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Third Committee**Summary record of the 47th meeting**

Held at Headquarters, New York, on Thursday, 18 November 2010, at 10 a.m.

Chairman: Mr. Tommo Monthe (Cameroon)**Contents****Agenda item 68: Promotion and protection of human rights (*continued*)**

- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)
- (c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

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The meeting was called to order at 10.15 a.m.

Agenda item 68: Promotion and protection of human rights (continued)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued)

Draft resolution A/C.3/65/L.31: Missing persons

1. **The Chair** said that he had been advised that the draft resolution contained no programme budget implications.

2. **Mr. Musayev** (Azerbaijan) said that Angola, Chile, Congo, Costa Rica, Côte d'Ivoire, Fiji, India, Israel, Panama, Sudan, Uganda and Ukraine had joined the sponsors. The draft resolution had received broad support from Member States and helped to increase attention on the important issue of missing persons.

3. *Draft resolution A/C.3/65/L.31 was adopted.*

Draft resolution A/C.3/65/L.34/Rev.1: Protection of migrants

4. **The Chair** said that he had been advised that the draft resolution contained no programme budget implications.

5. **Mr. González** (Mexico) said that Brazil, Guyana and Portugal had joined the sponsors. Mexico was convinced of the cultural and economic benefits of international migration for all countries affected by it. It was also necessary to recognize the challenges posed by migration, to take into account a human rights perspective, and to address such worrisome trends as the criminalization of international migration. He thanked all delegations for their open and constructive participation and hoped that spirit would prevail in coming years.

6. **Mr. Gustafik** (Secretary of the Committee) announced that Algeria, Angola, Burkina Faso, Cape Verde, Comoros, Congo, Costa Rica, Côte d'Ivoire, Egypt, Ethiopia, India, Indonesia, Jamaica, Morocco, Nigeria and Turkey had joined the sponsors.

7. **Mr. Monterey** (El Salvador) highlighted the importance of the draft resolution for his country, which had been affected by migration at all levels of society. Migrants from El Salvador, which made up 1 per cent of all migrants worldwide, maintained an

important link to their communities of origin, as demonstrated by the constant flow of funds sent back to those communities. At the global level, the contribution of migrants helped lift their communities out of poverty and provide them with health care and education, among other services. His country therefore supported the resolution, in the context of its support for migration more broadly.

8. *Draft resolution A/C.3/65/L.34/Rev.1 was adopted.*

9. **Mr. Sammis** (United States of America) said that his delegation had been able to join consensus on the draft resolution after negotiations had resulted in a text that more accurately reflected the rights and responsibilities of States. The principle established under international law that States had the sovereign right to control admission to their territory and to regulate the admission and expulsion of foreign nationals was implicit in any discussion of international migration. That said, his country took seriously the responsibility to respect the human rights of migrants and to provide legal protections to aliens within its territory, in accordance with international law, and urged other States to do the same.

10. The attention given to migration at the United Nations must not be sidetracked by undue focus on bilateral legal matters. As just one example, reference to a specific case in preambular paragraph 9 diverted attention from the serious multilateral reflection and action required on the issue and did not promote constructive cooperation in protecting the human rights of migrants.

11. **Mr. Burniat** (Belgium), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, and Montenegro; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that the European Union was committed to protecting the rights of migrants, regardless of their legal or migration status, and its migration policies were consistent with the human rights obligations of its member States. The European Union therefore welcomed the resolution as a valuable initiative to spell out norms for the treatment and protection of migrants. Given the vulnerability of migrant children, their protection was of paramount importance.

12. The status of immigrants residing legally in European Union member States allowed for access to education, health assistance, housing and appropriate social security or pension. Although irregular migrants were not automatically granted the right to reside in European Union member States, their human rights were fully respected. The fundamental distinction between regular and irregular migration was an integral element of the European Union migration policy. Combating irregular migration, particularly when organized by human trafficking networks that were an affront to human dignity, was one of its priorities, hence the introduction by a number of its member States of criminal penalties for breaches of national immigration law. Migrants charged with breaches of criminal law had the same rights as other defendants; in that connection, the European Union shared the concerns expressed in preambular paragraph 19 that penalties and treatment for irregular migrants should be commensurate to the offence committed. It also shared concerns expressed about legislation, measures and practices that denied irregular migrants the full enjoyment of their human rights.

Agenda item 68: Promotion and protection of human rights (continued)

(c) Human rights situations and reports of special rapporteurs and representatives (continued)

Draft resolution A/C.3/65/L.47: Situation of human rights in the Democratic People's Republic of Korea

13. The Chair said that he had been advised that the resolution contained no programme budget implications.

14. Ms. Fahmy (Egypt), speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement believed that a cooperative and non-confrontational approach must be adopted to deal with human rights situations, in order to provide States with the resources needed to implement their international obligations domestically and without foreign interference. To that end, the Human Rights Council had been established in 2005, as had its universal periodic review mechanism, to eliminate the selectivity, politicization and double standards that had marred the work of the Human Rights Commission.

15. At a recent high-level summit, the Movement had emphasized the role of the Human Rights Council as the organ responsible for consideration of human rights

situations in all countries. The Heads of State and Government had also expressed deep concern at the Committee's continued practice of selective adoption of country-specific resolutions. Moreover, they had reiterated the importance of ensuring the implementation of the universal periodic review of the Council as an action-oriented cooperative mechanism, and urged all member States of the Movement to continue to support States under review. Therefore, the Movement did not recognize any justification for creating a parallel track to the Human Rights Council to deal with human rights situations, particularly since those resolutions were targeting only developing countries. Country-specific resolutions were contrary to international good governance, given that States proposing them were almost certain that the targeted States would be unable to respond with similar draft resolutions regarding human rights situations. For all those reasons, the member States of the Movement would vote against the draft resolution.

16. Mr. Lambert (Belgium), speaking on behalf of the European Union, Japan and the other sponsors, said that Palau and Turkey had joined the sponsors. Despite annual General Assembly resolutions on the situation of human rights in the Democratic People's Republic of Korea since 2005, grave, widespread and systematic violations of human rights still prevailed, as underscored by several United Nations reports.

17. While the draft resolution did take into account positive steps taken on the part of the Democratic People's Republic of Korea in the previous year, it was regrettable that no substantive changes had yet come about on the ground.

18. Given that the Democratic People's Republic of Korea had made no substantial effort to meet earlier requests made by the international community, the General Assembly should use the draft resolution to more strongly urge the Government to put an immediate end to human rights violations and to cooperate with all human rights special procedures. Failure to react would send the political signal that the situation had improved or that concern had decreased, neither of which was the case.

19. The European Union would have preferred a negotiation process with the Democratic People's Republic of Korea on the human rights issues mentioned in the resolution, but it had refused to engage in discussions. As he understood that a

recorded vote would be taken on the resolution, his delegation, along with all other sponsors, would vote in favour.

20. **Mr. Gustafik** (Secretary of the Committee) announced that Samoa had joined the sponsors.

21. **Mr. Pak Tok Hun** (Democratic People's Republic of Korea) said that his delegation categorically rejected the draft resolution as an outcome of the political plot of the United States of America and its followers and an illegal, slanderous document that infringed on the sovereignty of his country. The so-called concern of the European Union over human rights violations was nothing but a pretext to interfere in the internal affairs of the Democratic People's Republic of Korea. His country had started a bilateral dialogue on human rights and engaged in relevant cooperation with the European Union in 2001, but the process had broken down in 2003 when the European Union had presented an anti-Democratic People's Republic of Korea resolution to United Nations human rights forums, the first of several confrontational resolutions. The European Union appeared to expect that his country's system could be changed overnight in its own image. It was clear that the main sponsors of the draft resolution sought, in fact, not to promote human rights but instead to change the ideology and system of the Democratic People's Republic of Korea. Such an expectation was a gross miscalculation, for neither slander nor plots would bring down the Korean-style socialist system, which had been chosen and defended by the Korean people at the cost of their lives. Indeed, the Government's pursuit of people-centred policies had enabled his country to advance along the road it had chosen despite persistent political pressure, economic blockades and foreign military threats.

22. Countries that occupied others by force of arms and massacred millions of innocent civilians were the worst human rights abusers, and their criticism of the situation in his country made a mockery of human rights and cast shame on humanity. His delegation requested that a recorded vote should be taken and expected all countries that aspired to justice, truth and peace to vote against the politically motivated draft resolution.

23. **Ms. Kolontai** (Belarus), speaking in explanation of vote before the voting, said that her country, as a matter of principle, had always opposed politicized country-specific resolutions, which undermined the

principles of objectivity and non-selectivity in the consideration of human rights issues. The annual adoption of country-specific resolutions by the Committee duplicated the work of the Human Rights Council. Moreover, while the Council's analysis of human rights situations in different countries was based on a constructive and mutually respectful dialogue, the Committee's practice failed to build a climate of trust or respect for the specific historical and cultural traditions of individual countries. Belarus would therefore vote against the draft resolution.

24. **Mr. Kodama** (Japan) said that Japan believed that human rights issues should generally be addressed through constructive dialogue and cooperation. However, given the grave concern of the international community over the human rights situation in the Democratic People's Republic of Korea, his delegation urged that country to address the issues raised in the resolution, including its persistent refusal to engage in dialogue with the Special Rapporteur or in technical cooperation with the United Nations Office of the High Commissioner for Human Rights (OHCHR) and its failure to resolve the issue of its abduction of Japanese citizens in the 1970s and 1980s. A grave violation of human rights, those abductions were a matter of utmost concern for his Government.

25. Japan considered the universal periodic review mechanism a very effective tool for reviewing country situations. However, the Democratic People's Republic of Korea had not yet taken action in response to the results of its review, hence his delegation's concern that the mechanism was not working effectively in that particular case. In such grave situations, the international community must join the Human Rights Council and express its concern through the General Assembly, as such action could bring about an improvement in the human rights situation of the country in question.

Statements made in explanation of vote before the voting

26. **Ms. Herrera Caselro** (Cuba) said that it would vote against the draft resolution, in line with its traditional principled position against country-specific resolutions. Political motivations had no bearing on human rights issues. Double standards in consideration of human rights situations had led to the demise of the discredited Commission on Human Rights, demonstrating that genuine and impartial international

cooperation was the only legitimate means of improving human rights situations.

27. **Ms. Murillo Ruiz** (Costa Rica) said that the Human Rights Council had the main competency in dealing with human rights situations, as it had the tools to examine specific cases, chief among them the universal periodic review mechanism.

28. **Mr. Ali** (Sudan) said that his delegation encouraged the Democratic People's Republic of Korea to continue its efforts to implement the recommendations of the Human Rights Council. He called for the practice of presenting country-specific resolutions to be discontinued, as human rights-related resolutions fell under the mandate of the Human Rights Council. The Sudan believed that it was the responsibility of countries to cooperate with the Human Rights Council and to strengthen its role, and to avoid use of United Nations human rights mechanisms to exert political pressure. In light of those concerns, his delegation would vote against the resolution.

29. **Ms. Abubakar** (Libyan Arab Jamahiriya) expressed deep concern that some countries continued to use human rights as a pretext to impose their laws and political ideologies on others. Human rights issues had, regrettably, become a means to pressure others to achieve political ends. No country could be said to be perfect in its promotion and protection of human rights, and the time had come to refuse the politicization of human rights issues and to resolve them on the basis of mutual respect and acknowledgement of the specificities of different peoples. Based on its principled position against selective country-specific resolutions, her delegation would vote against the draft resolution. Its vote, however, must not be interpreted as an endorsement of human rights violations anywhere in the world.

30. **Ms. Hoang Thi Than Nga** (Viet Nam) reiterated her country's principled position against the politicization of human rights issues, hence its intention to vote against the draft resolution, which it considered counterproductive to dialogue between member States. The universal periodic review mechanism of the Human Rights Council was based on national ownership and dialogue. Viet Nam welcomed the universal periodic review of the Democratic People's Republic of Korea in 2009 and acknowledged the Government's efforts to address human rights

issues, particularly given the economic difficulties it faced. She reaffirmed her country's readiness to share its relevant experiences and expressed the hope that the issue of abductions of foreign nationals would soon be resolved.

31. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) said that her delegation would vote against the draft resolution, in accordance with the principles of its foreign policy, which opposed the selective practice of presenting country-specific resolutions. That practice aimed to condemn and criminalize the States targeted by such resolutions, subjecting them, year after year, to manipulation and political pressure. The General Assembly was not the proper space to debate human rights issues and should not be used as a tool to perpetrate such practices. The Human Rights Council was the entity responsible for examining human rights issues in an objective and non-selective manner.

32. **Ms. Zhang Dan** (China) said that her delegation would vote against the draft resolution, as it believed that human rights issues should be addressed through constructive dialogue. Country-specific resolutions only served to politicize issues and provoke confrontation. She welcomed the participation of the Democratic People's Republic of Korea in the universal periodic review process and its cooperation with United Nations development agencies and called on the international community to adopt a pragmatic approach and provide humanitarian assistance to help the country with the economic and social development challenges it faced.

33. **Ms. Bhoroma** (Zimbabwe) said that country-specific resolutions were not intended to promote human rights, but instead aimed at advancing the political interests and power of developed countries. Such resolutions were also counter-productive, as they entrenched polarization between and among nations. Moreover, those measures undermined the credibility and integrity of the universal periodic review process, which was the agreed framework for addressing human rights issues in all countries. Based on that principled position, her delegation would vote against the draft resolution and all subsequent country-specific draft resolutions before the Committee.

34. **Mr. Rastam** (Malaysia), calling for a non-confrontational approach, said that human rights issues should not be exploited for political purposes.

Human rights must be addressed within a global context based on respect for national sovereignty. His delegation would vote against the draft resolution, which selectively targeted a single country. He encouraged all States to use the universal periodic review process to improve the protection of human rights in a fair manner. He urged the Government of the Democratic People's Republic of Korea to resolve its outstanding issues with neighbouring countries.

35. **Mr. Rai** (Nepal) said that his delegation shared the concerns expressed in the draft resolution, particularly in paragraph 2 regarding the abduction of foreigners. He called on the Government of the Democratic People's Republic of Korea to resolve those concerns. However, the universal periodic review was the appropriate mechanism to address human rights concerns. The international community should engage more constructively on the issues proposed by the United Nations human rights framework, including the Human Rights Council. His delegation would abstain in the voting on the draft resolution and subsequent country-specific draft resolutions.

36. *A recorded vote was taken on draft resolution A/C.3/65/L.47.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Bahamas, Bahrain, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Canada, Central African Republic, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Turkey, Ukraine, United Arab Emirates, United Kingdom

of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Myanmar, Oman, Russian Federation, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Azerbaijan, Bangladesh, Barbados, Bolivia (Plurinational State of), Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Dominican Republic, Ecuador, Ethiopia, Gabon, Gambia, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Mali, Mauritius, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Tajikistan, Thailand, Trinidad and Tobago, Uganda, Yemen, Zambia.

37. *Draft resolution A/C.3/65/L.50 was adopted by 100 votes to 18, with 60 abstentions.¹*

38. **Mr. de Séllos** (Brazil) said that his delegation took note of the increased cooperation between the Government of the Democratic People's Republic of Korea and the United Nations system, particularly with regard to humanitarian assistance. He urged Member States to address the lack of resources for such activities. His delegation remained concerned about the human rights situation in the country, particularly limitations on access to food, water, sanitation and health services, as well as the restrictions on civil and political rights. Although the Government had participated in the universal periodic review process, its engagement with United Nations bodies and the

¹ The delegations of Chile, Somalia and Tuvalu subsequently indicated that they had wished to vote in favour of the draft resolution. The delegation of Georgia subsequently indicated that, had it been present, it would have voted in favour of the draft resolution.

transparency of related activities remained to be improved. Regarding the abduction of Japanese citizens, he urged the Government to take concrete steps to resolve the situation, including by allowing for the return of abductees.

39. Despite those concerns, his delegation believed that country-specific draft resolutions were the product of a deficient process. Such resolutions were the only ones considered by the Third Committee that did not undergo a transparent consultation process. Furthermore, the fact that only certain human rights situations were addressed reinforced the view that the treatment of human rights issues was selective and politicized. The Human Rights Council was best equipped to examine such matters in a holistic, multilateral and depoliticized way.

40. Mr. Babadoudou (Benin) said that the fact that his delegation had voted in favour of a country-specific resolution for the first time was not to be taken as a change of position on that matter, but rather as an expression of support for a friendly country on the issue of abductions. The draft resolution remained selective and would not improve conditions on the ground in the Democratic People's Republic of Korea. No State was exempt from human rights violations or had the authority to advise another regarding human rights matters. That was the role of the Human Rights Council, whose efforts would no doubt lead the Democratic People's Republic of Korea to the negotiating table and improve the situation in the country.

41. Mr. Kleib (Indonesia) said that the universal periodic review was the appropriate mechanism for reviewing the situation in all countries on an equal basis and had been created for that purpose. As such, it must be fully supported by Member States in order to eliminate all manner of selectivity. His delegation recognized that the draft resolution raised human rights issues that needed to be addressed and hoped that the Government of the Democratic People's Republic of Korea would give them due consideration. However, his delegation was not in a position to vote for a country-specific draft resolution and had abstained in the voting.

42. Mr. Vimal (India) said that, as noted in paragraph 2 of the draft resolution, the abduction of nationals from one country by another was unacceptable. His delegation sympathized with the

victims of abductions and hoped for a timely resolution of the issue.

43. Mr. Saravanan (Singapore) said that country-specific resolutions were highly selective, driven by political considerations and inherently divisive. Country-specific human rights issues should be taken up under the universal periodic review process, which had been devised precisely for that function. Singapore had therefore abstained in the voting on the draft resolution and would be doing the same for all subsequent country-specific draft resolutions. However, Singapore's abstention should not be interpreted as expressing a position on the human rights situation of the country concerned.

Draft resolution A/C.3/65/L.48/Rev.1: Situation of human rights in Myanmar

44. The Chair drew the Committee's attention to the statement of programme budget implications of the draft resolution (A/C.3/65/L.64/Rev.1).

45. Mr. Lambert (Belgium), speaking on behalf of the European Union and the other sponsors, said that Turkey had joined in sponsoring the draft resolution. The text had been updated to reflect the recent elections and the release of Daw Aung San Suu Kyi, which was a significant measure the General Assembly had called for during the many years of her arbitrary house arrest. As in previous years, the text was based on the concerns expressed in the reports of the Secretary-General and the Special Rapporteur on the situation of human rights in Myanmar. The draft resolution strongly urged the Government to release the more than 2,100 prisoners of conscience still being held and to end politically motivated arrests. The draft resolution was also an important aspect of international engagement with the Government in that it allowed the Secretary-General to continue to follow the situation in the country, particularly during the post-election phase, through the work of his Special Adviser on Myanmar.

46. It was unfortunate that, despite the appeals of the international community, the Government had not ensured that the elections were free, fair and inclusive. Irregularities had been reported, including restrictions on registration of parties, detention of activists, cancellation of elections in ethnic areas and unequal access to campaign funding. Fraud, including advance voting arrangements, had also been reported. Against that background, the draft resolution called on the

Government to begin an inclusive post-election phase with a view to consolidating a legitimate, civilian system of government, based on the rule of law and respect for human rights.

47. A genuine transition to democracy and national reconciliation was not possible without an improvement in the human rights situation. Violations continued with impunity, including displacement, use of child soldiers, targeting of civilians in military operations, forced labour, arbitrary detentions and discrimination against ethnic minorities. For those reasons, the draft resolution urged the Government to take steps to address justice and accountability without delay. Such cooperation would be evidence of a serious intention to transition to democracy. The draft resolution also urged cooperation with the international community, including by engaging with the Special Rapporteur and the Special Adviser.

48. The draft resolution welcomed positive steps taken by the Government, including in terms of accepting humanitarian assistance, curbing forced labour and engaging with the universal periodic review process. The text had been drafted to foster a consensual approach, and bilateral consultations had been conducted throughout the process. Discussions had also been held with the delegation of Myanmar and the text had been revised to accommodate suggestions accordingly. However, despite those efforts, a vote had been requested on the draft resolution. The sponsors would be voting in favour and strongly encouraged other delegations to do the same.

49. Ms. Fahmy (Egypt), speaking on behalf of the Movement of Non-Aligned Countries, said that human rights issues should be approached in a non-confrontational manner which focused on enhancing the national capacity of States to fulfil their human rights obligations. The United Nations human rights framework had been refashioned to overcome the issues that had undermined the former Commission on Human Rights and that would allow all Member States to accept recommendations in a spirit of cooperation. The Heads of State and Government of the Movement, at their 15th Summit, had emphasized that the Human Rights Council was the principal body responsible for consideration of human rights issues. In that regard, it was critical to implement the universal periodic review mechanism, which was results-oriented and based on objective information and interactive dialogue. They had also expressed deep concern about

the continued adoption of selective country-specific draft resolutions in the Third Committee, which breached the principles of universality and non-selectivity in addressing human rights issues. There was no need to create a parallel system to address human rights situations, particularly one that only targeted developing countries. The draft resolution ran counter to the principles of international good governance. It was a means for some States to target others using their economic and political capacities and alliances, confident that similar draft resolutions could not be submitted against them. Based on those issues, States members of the Movement would vote against the resolution.

50. Mr. Swe (Myanmar) said that the draft resolution was flawed both in its substance and in its approach to procedure. The contents were based on the allegations of insurgents and expatriate groups that opposed the Government. Under the guise of concern for human rights, the sponsors sought to impose political pressure on Myanmar. Furthermore, the draft resolution completely neglected the Government's political and socio-economic achievements. In the two decades during which the European Union had been bringing intrusive and prescriptive draft resolutions against Myanmar before the Committee, over 100,000 armed insurgents had joined the Government's reconciliation efforts, and peace and stability now prevailed throughout most of the country.

51. National elections had been held peacefully, and the majority of eligible voters had chosen to exercise their democratic right to elect their representatives. The Chair of the Association of Southeast Asian Nations (ASEAN) had formally welcomed the elections and many States had acknowledged that it was a significant step in the implementation of the seven-step road map to democracy. The draft resolution expressed concern about the cancellation of elections in ethnic areas and reports of vote fraud. Yet elections had been cancelled for security reasons in only 0.5 per cent of the country's constituencies. The accusations regarding vote rigging were clear attempts by losing parties and some media to discredit the elections, as votes had been counted in the presence of the public and representatives of the candidates. No formal complaints had been received about electoral irregularities and the election commission had reminded the political parties that they could choose to contest any results through official channels.

52. The draft resolution was flawed in its approach to established procedures in the United Nations. Myanmar had supported the establishment of the Human Rights Council and encouraged States' engagement with the universal periodic review process. Myanmar itself would be undergoing review in January 2011 and had submitted its initial report on time. Dialogue and cooperation were the only appropriate means of promoting and protecting human rights; finger-pointing and pressure would not resolve differences. Should the European Union have genuine concerns regarding human rights, it would do better by expressing them through cooperation rather than through attempted coercion. Myanmar was at a critical juncture in its transformation into a democratic State. The imposition of political pressure and economic sanctions by both countries and international financial institutions was immoral. In that regard, the European Union was doing a disservice to the cause of human rights through its accusatory draft resolution.

53. The draft resolution infringed on Myanmar's sovereignty, and, if left unchallenged, would set a dangerous precedent, as it was an obvious attempt by Western States to interfere with the affairs of a developing country in their disfavour. Many States disagreed with that approach and instead supported a policy of engagement. His delegation therefore requested a recorded vote and appealed to all States to stand on principle and vote against the politicized draft resolution.

Statements made in explanation of vote before the voting

54. **Mr. Lukiyantsev** (Russian Federation) said that his country had repeatedly opposed the ongoing practice of selective and unilateral country-specific draft resolutions being submitted to United Nations human rights bodies for consideration. Such working methods were counterproductive and only exacerbated confrontation between Member States. Indeed, politicization and a lack of genuine dialogue had rendered the former Commission on Human Rights ineffective.

55. The establishment of the Human Rights Council and the successful functioning of the universal periodic review provided new opportunities for a constructive and mutually respectful dialogue in the area of human rights. The consideration of human rights situations in individual countries should therefore take place within

the framework of the Council's review process. That position was applicable to all country-specific draft resolutions considered by the Committee at the current session.

56. Lastly, in the context of the recently held elections in Myanmar and other positive developments, particularly the release of Daw Aung San Suu Kyi, the adoption of the draft resolution prepared by the European Union would send the wrong signal to the Myanmar authorities. His delegation would therefore vote against the draft resolution.

57. **Mr. Wang Min** (China) said that his delegation regretted that a country-specific draft resolution against Myanmar was once again being brought before the Committee. Constructive dialogue was the only proper way to protect human rights, and the universal periodic review mechanism already provided an appropriate platform and should be fully utilized. The recent elections in Myanmar had been conducted peacefully and were a critical part of fulfilling the seven-step road map to democracy. Regrettably, the draft resolution failed to recognize that progress and continued to employ a critical and accusatory approach. As a neighbour to Myanmar, China encouraged the maintenance of stability and consolidation of the democratic process in the country. He called on the international community to consider the human rights situation in Myanmar objectively and seek to strengthen dialogue and trust with the Government. His delegation would vote against the draft resolution.

58. **Ms. Hoang Thi Than Nga** (Viet Nam) said that her delegation welcomed the general elections and the release of Daw Aung San Suu Kyi as positive steps and hoped to see further advancements towards reconciliation and stability in Myanmar. She regretted that the draft resolution failed to recognize progress and politicized human rights issues, which only served to undermine United Nations efforts to build cooperation and trust with the Government of Myanmar. Her delegation was particularly concerned with the reference to the biased and unfounded accounts contained in the Special Rapporteur's report. Her delegation would vote against the draft resolution. As a neighbour and fellow member of ASEAN, Viet Nam urged Myanmar to cooperate with regional and international partners. Her Government would continue to support the good offices of the Secretary-General in

the reconciliation process and stood ready to support Myanmar in accordance with the ASEAN Charter.

59. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) said that her Government was committed to the principles of non-intervention, self-determination and the sovereignty of States. Her delegation would vote against the draft resolution, which was a reflection of selectivity in the promotion and protection of human rights and ran counter to the Charter. The Human Rights Council was the appropriate body for examining human rights issues through constructive dialogue, based on objective information. It was unacceptable that some States used human rights issues to stigmatize others, as they had no such moral authority.

60. **Mr. Sorreta** (Philippines) said that his delegation did not support country-specific resolutions and would abstain from voting. The Government of Myanmar must stand by its people through the democratization process. His delegation welcomed the release of Daw Aung San Suu Kyi, but other measures towards democratization and stability must follow, including the immediate release of prisoners of conscience. The fact that the elections were not viewed as credible was also of concern.

61. **Mr. Rastam** (Malaysia) said that human rights issues should not be exploited for political purposes and called for a non-confrontational approach. His delegation would vote against the draft resolution, which selectively targeted a single country. He encouraged all States to use the universal periodic review process to examine human rights issues. Myanmar needed support from all sides in the transition process. He urged the Government of Myanmar to implement the road map to democracy and cooperate with the good offices of the Secretary-General.

62. **Ms. Herrera Casero** (Cuba) said that Cuba had had a long-standing position against country-specific draft resolutions, which were used selectively against developing countries. The universal periodic review was the appropriate mechanism for considering the human right situations in all countries on an equal basis, based on constructive dialogue. Her delegation was opposed to the use of human rights issues as a means of applying political pressure and intervening in national matters and would therefore vote against the draft resolution.

63. **Mr. Vimal** (India) said that the protection of human rights could only be achieved through dialogue and consultation. Myanmar was an important neighbour to India, and his Government considered peace and stability in the country to be a crucial matter. India would continue to support the good offices of the Secretary-General and urged the international community to do the same. His delegation considered the elections to be an important step in the national reconciliation process and welcomed the release of Daw Aung San Suu Kyi, which would no doubt foster an inclusive approach to political reform. The draft resolution was condemnatory and did not contribute to the positive efforts of the United Nations. His delegation would therefore vote against it.

64. **Ms. Andamo** (Thailand) said that her delegation would abstain in the voting. The advancement of human rights was achieved through constructive engagement, not through country-specific resolutions. The universal periodic review was the appropriate means of discussing human rights issues on a non-discriminatory basis. The holding of elections and the release of Daw Aung San Suu Kyi were important steps in the democratization and reconciliation process, and her delegation hoped that those developments would lead to positive changes.

65. The political development of Myanmar must be linked with efforts at social and economic development. In that regard, the Government of Thailand was committed to providing sustained cooperation to Myanmar in the post-election period and beyond. Thailand would also seek to fulfil its human rights and security obligations as a member of ASEAN. Her delegation supported the good offices of the Secretary-General and encouraged the Government of Myanmar to strengthen its collaboration with the United Nations and members of ASEAN.

66. **Ms. Abubakar** (Libyan Arab Jamahiriya) said that her delegation was concerned that some States were imposing their political objectives under the pretext of concern for human rights. Human rights violations occurred in all countries. It was time for Member States to stop submitting such draft resolutions and leave the promotion and protection of human rights to the Human Rights Council. In accordance with the conclusions reached at the summits of the Movement of Non-Aligned Countries, her delegation would vote against the draft resolution.

However, that position should not be interpreted as supporting any violations of human rights.

67. *A recorded vote was taken on draft resolution A/C.3/65/L.48/Rev.1.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guyana, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Cambodia, China, Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Nicaragua, Oman, Russian Federation, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Barbados, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the

Congo, Djibouti, Dominican Republic, Ecuador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Indonesia, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Madagascar, Mali, Mozambique, Namibia, Nepal, Niger, Pakistan, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, Suriname, Swaziland, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Uganda, United Arab Emirates, Yemen, Zambia.

68. *Draft resolution A/C.3/65/L.48/Rev.1 was adopted by 96 votes to 28, with 60 abstentions.²*

69. **Mr. de Séllos (Brazil)** said that, despite the fact that his delegation had abstained in the voting, it remained concerned with the continuing violations of human rights in Myanmar, as noted in the reports of the Special Rapporteur and the Special Adviser. He praised the holding of elections for the first time in two decades and hoped that the voting process would bring the reforms needed to establish democratic institutions. The transition to democracy should create opportunities for all to participate in the electoral process. While the release of Daw Aung San Suu Kyi was welcome, it was unfortunate that it had taken place after the elections. He encouraged the Government of Myanmar to support her participation in the political process and grant amnesty to political prisoners. His delegation hoped that the new Government would build on the momentum of the elections to re-engage with the United Nations system, including by allowing visits by the Special Adviser and the Special Rapporteur and fulfilling the obligations assumed under the universal periodic review process. Despite those concerns, however, his delegation believed that country-specific draft resolutions were the product of a deficient process. Such resolutions were the only ones considered by the Third Committee that did not undergo a transparent consultation process. Furthermore, the fact that only certain human rights situations were addressed reinforced the view that the treatment of human rights issues was selective and politicized. The Human Rights Council was best equipped to examine such matters in a holistic, multilateral and depoliticized way.

² The delegation of Bahrain subsequently indicated that it had intended to abstain.

70. **Mr. Kodama** (Japan) said that the international community must send a message to the Government of Myanmar that the democratization process should be improved and had therefore voted in favour of the draft resolution. His delegation was pleased that some of its amendments that recognized positive steps taken by the Government had been incorporated into the text, as such encouragement helped to spur change. It regretted that the elections had not been fair, but viewed the release of Daw Aung San Suu Kyi as a step forward, and hoped to see further measures towards democratization and reconciliation.

71. **Mr. Swe** (Myanmar) said that the results of the recorded vote had demonstrated that, even in the face of enormous political pressure, many countries would not tolerate the exploitation of human rights through the adoption of country-specific resolutions. His delegation opposed the attempts to interfere with his country's internal affairs and domestic political processes. The draft resolution had no moral authority and Myanmar would not be bound by it. He thanked the Member States who had voted against the draft resolution or abstained in the voting. He also recognized the constraints some developing countries faced in taking a principled position. Although that was regrettable, his delegation believed that in the near future, all Member States would be free to express their rights and vote against ill-intended resolutions. Human rights issues in the global context must be addressed through a dialogue-based approach guided by the principles of respect for national sovereignty and territorial integrity. His Government would continue to promote and protect the human rights of the people of Myanmar and would continue to cooperate with the United Nations.

72. **Mr. Kleib** (Indonesia) said that his delegation supported the good offices of the Secretary-General and recognized the steps taken towards democratization and reconciliation in Myanmar, including the holding of elections and the release of Daw Aung San Suu Kyi. While his delegation recognized the concerns raised in the draft resolution, it believed that the universal periodic review was the most appropriate mechanism to review human rights situations in all countries on an equal, non-politicized basis and had therefore abstained in the voting on the draft resolution.

73. **Mr. Ahmed** (Bangladesh) said that his delegation welcomed the unconditional release of Daw Aung San

Suu Kyi and had taken note of the elections. He expressed the hope that future elections would be held in a more transparent and democratic manner. He noted that Myanmar would be undergoing the universal periodic review process the following year, which was the most appropriate mechanism for addressing human rights issues. His delegation did not believe that the draft resolution contributed to implementing the seven-step road map to democracy and had therefore voted against it.

The meeting rose at 12.50 p.m.

**General Assembly**

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Third Committee**Summary record of the 48th meeting**

Held at Headquarters, New York, on Thursday, 18 November 2010, at 3 p.m.

Chairman: Mr. Tommo Monthe (Cameroon)**Contents**Agenda item 68: Promotion and protection of human rights (*continued*)(c) Human rights situations and reports of special rapporteurs and representatives
(*continued*)Agenda item 63: Report of the Human Rights Council (*continued*)Agenda item 66: Elimination of racism, racial discrimination, xenophobia and
related intolerance (*continued*)

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The meeting was called to order at 3.15 p.m.

Agenda item 68: Promotion and protection of human rights (continued)

(c) Human rights situations and reports of special rapporteurs and representatives (continued)
(A/C.3/65/L.49)

Draft resolution A/C.3/65/L.49: Situation of human rights in the Islamic Republic of Iran

1. **The Chair** said that the draft resolution contained no programme budget implications.
2. **Mr. Gustafik** (Secretary of the Committee) said that Andorra, Croatia, Micronesia (Federated States of) and Palau had become sponsors.
3. **Mr. Larijanei** (Islamic Republic of Iran) proposed a motion of no action on the draft resolution under rule 116 of the rules of procedure of the General Assembly. Country situations should be discussed in the context of the universal periodic review rather than in the Third Committee. His country had just completed the universal periodic review. Experts in the Office of the High Commissioner for Human Rights had noted that the recent universal periodic review of Iran had been one of the most successful so far. Of some 190 recommendations, 160 had been immediately adopted and 20 were being further considered. Of those 20, 15 had been approved. In contrast, the United States of America had not accepted a single one of the 220 recommendations made when it had undergone the same process.
4. Six Special Rapporteurs had visited Iran, and two more were scheduled to visit in the near future. The High Commissioner for Human Rights was also planning a visit. It would be difficult to imagine a clearer indication of human rights cooperation.
5. **The Chair** read out rule 116 of the General Assembly's rules of procedure.
6. **Ms. Méndez Romero** (Venezuela, Bolivarian Republic of), speaking in support of the motion, said that country-specific resolutions were politically motivated and had nothing to do with human rights. All countries had the opportunity to undergo the universal periodic review, which was just and balanced. Thus, consideration of the draft resolution in the Third Committee and the General Assembly was unjustified. Such resolutions should be definitively removed from

the agenda. The proposal weakened the principles of impartiality and non-selectivity.

7. **Mr. Ja'afari** (Syrian Arab Republic) said that his delegation was concerned that recurring technical problems with translation equipment were impeding the work of General Assembly Committees. Those problems also distracted some delegates when key issues were being debated or voted upon and must be investigated.

8. Many countries believed that, by continuing to criticize the human rights records of certain Member States, while ignoring the records of others, the Committee had proved itself to be a body that dealt with key issues in a selective and politicized manner. It was on that basis, and for procedural reasons, that the Syrian delegation supported the no action motion.

9. There was broad consensus that the human rights records of all Member States must be reviewed by the Human Rights Council. However, in an attempt to exploit the issue of human rights for political ends, certain Member States continued to call for the human rights records of certain specific States to be addressed at United Nations Headquarters. Syria deplored those efforts. Human rights issues must not be exploited for political ends and must be addressed in an impartial and non-selective manner.

10. **Mr. McNee** (Canada), speaking against the motion, said that the General Assembly had conferred upon the Third Committee the task of recommending action on human rights. Therefore, serious human rights concerns must be discussed in the Committee wherever they arose. Supporters of the no action motion wished to deny the members of the Third Committee the opportunity for debate and discussion.

11. In the draft resolution on Iran during the previous session, the Committee had called for a report of the Secretary-General. It would be highly unusual for the Committee to prevent itself from considering a report that it had requested, yet a no action motion would have that effect. In adopting the motion, the Third Committee would be contradicting and undermining itself and the work of the Secretary-General. The Third Committee had the right and the duty to consider human rights issues on their merits and to stand up to those who would stifle debate.

12. **Mr. Pálsson** (Iceland), also speaking in opposition to the motion on behalf of Andorra,

Argentina, Austria, Liechtenstein, Palau and San Marino, said that the General Assembly had given the Third Committee the responsibility of addressing human rights issues. The motion would prevent fulfilment of that mandate. Human rights were not the exclusive purview of the Human Rights Council and the universal periodic review. To preclude discussion of human rights in the Third Committee would undermine the credibility of the Third Committee and the General Assembly. Every serious human rights issue put before the Committee should be considered on its merits.

13. *A recorded vote was taken on the motion to adjourn the debate on draft resolution A/C.3/65/L.49.*

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, Cambodia, Central African Republic, China, Comoros, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Indonesia, Iran (Islamic Republic of), Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Myanmar, Namibia, Nicaragua, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Bulgaria, Burundi, Canada, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gambia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Nauru, Netherlands, New Zealand, Niger, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Lucia, Samoa, San

Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Antigua and Barbuda, Barbados, Benin, Bhutan, Botswana, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, India, Jamaica, Jordan, Kazakhstan, Kenya, Lesotho, Malawi, Mozambique, Nepal, Nigeria, Philippines, Saint Kitts and Nevis, Saint Vincent and the Grenadines, South Africa, Togo, United Republic of Tanzania, Zambia.

14. *The motion to adjourn the debate on draft resolution A/C.3/65/L.49 was rejected by 91 votes to 51, with 32 abstentions.*

15. Mr. McNee (Canada) said that the human rights situation in Iran had continued to deteriorate since the Third Committee's adoption of a resolution on the situation of human rights in that country during the previous session. While all countries faced human rights challenges, the Government of Iran made no effort to protect its citizens' human rights and manifested a lack of respect for the United Nations and its human rights treaties and procedures.

16. The report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran referred to "further negative developments in the human rights situation in Iran". The Government continued to employ such practices as stoning, torture, amputation, flogging, execution by strangulation and execution of children. Its discrimination against minority groups amounted to persecution. The draft resolution called on the Government of Iran to fully respect its human rights obligations, consider ratifying international human rights instruments and receive the special procedures mandate holders. The Third Committee should give Iranians the voice that had been denied them.

17. Ms. Gendi (Egypt), speaking on behalf of the Movement of Non-Aligned Countries, said that human rights issues should be dealt with by means of a cooperative, non-confrontational approach based on

enhancing States' capacities and providing resources for countries to meet their human rights obligations. The universal periodic review had been established to eliminate selectivity, politicization and double standards.

18. The Non-Aligned Movement emphasized the role of the Human Rights Council as the United Nations organ responsible for consideration of human rights situations in all countries. At the fifteenth Summit of the Non-Aligned Movement in July 2009, Heads of State and Government had expressed deep concern with regard to country-specific resolutions in the Third Committee, which undermined cooperation. The universal periodic review was impartial, transparent, constructive, non-confrontational and non-politicized. There was no need to create a parallel track to the Human Rights Council in the Third Committee. The country-specific draft resolutions targeted developing countries only. Country-specific resolutions ran counter to global governance, the theme of the session which had been selected by the President of the General Assembly. The sponsors of such resolutions were confident that developing countries would not be able to submit similar ones targeting the developed countries.

19. Mr. Larifaneh (Islamic Republic of Iran) said that the draft resolution was a continuation of a malicious trend that would harm international peace and inflict serious damage on the credibility of the United Nations. Although Canada and the European Union were sponsors, the United States of America was the mastermind and main provocateur. The draft resolution had nothing to do with human rights but was part of the hostile policy of the United States against Iran.

20. Canada had voted against a draft resolution condemning killings by Israel in Gaza. Canada itself had a dismal record on minorities. There was a clear double standard at work. The draft resolution was astonishingly unprofessional and full of fallacies and baseless, unverifiable allegations.

21. The draft resolution referred to the death penalty for crimes which lacked a precise definition, including *moharabeh* (enmity against God). In fact, the concept of *moharabeh* was at the core of the legal concept for fighting terrorism, which was the obligation of all nations. How could countries be justified in engaging

in all-out war to combat terrorism while questioning Iran's effort to uproot terrorism?

22. The United States, the European Union, the United Kingdom, France and Germany were the main supporters of terrorism in Iran. Ruthless organizations such as Party for a Free Life in Kurdistan (PJAK), the Mujahidin-e Khalq (MKO) and the Rigi gang all enjoyed financial and logistical support from those countries. The leaders of those criminal groups, who were responsible for the deaths of many innocent people in Iran, were frequent visitors to the United States Congress, the German Bundestag and the Parliaments of France and the United Kingdom. The draft resolution should be rejected outright by those who did not support terrorist activity.

23. One of the greatest rewards of the Islamic Revolution had been the creation of a democratic order. Iran was the greatest democracy in the Middle East and had the greatest achievements in science and technology in the region. As a result, Iran, like Canada, produced fuel for nuclear reactors. It was number one in stem cell research and cloning technology in the region. Women occupied more than 65 per cent of university seats in Iran. Illiteracy had been eradicated. The sole crime of Iran was that its democracy was not a replica of Western democracy. Iran did not wish to be a Western democracy.

24. Protests were to be expected in democratic societies. There were massive daily protests in the United States and Western Europe. In recent years there had been enormous protests in Los Angeles. People had been killed, police beaten and shops and homes set on fire. Earlier in 2010, Paris had been like a war zone due to demonstrations. It was probably not possible to have democracy without protests, nor was it possible to prevent violence in all cases.

25. Bizarrely, the draft resolution criticized Iran for not carrying out investigations of the demonstrations of June 2009 after the presidential election. In fact, thorough investigations had been carried out and the results had shown that the protests had been funded by the United States Government. The United States had trained protestors and agitated to increase participation, leading and misleading people while doing so. People had been trained in camps, armed and dispatched into Iran to commit violence, and the United Kingdom had mobilized the media blitz against Iran. Neda Agha-Soltan, the young woman whose death had

attracted international attention, had in fact been killed by a British intelligence agent. France had sent agents to the University of Teheran, where it had trained students to organize protests against the State. The Ambassador of Germany had also played a significant role in the unrest in Teheran.

26. A great cover-up had been carried out. The Western powers had in fact no interest in human rights.

27. The draft resolution was unhealthy and dangerous. Double standards and selectivity based on political considerations were no longer exceptions in the tabling of country-specific resolutions. Gross, massive human rights violations in some parts of the world were simply overlooked. The sponsors of the draft resolution themselves lacked defensible human rights records. Canada, for example, had a poor human rights record, especially with respect to migrants, minorities and indigenous people.

28. The saddest irony was that Israel, a country whose very founding had involved the worst forms of human rights violations, war crimes, ethnic cleansing and mass murder, figured among the sponsors. The United States, also a sponsor, had the worst human rights record in history.

29. The policy of introducing a resolution against Iran did a disservice to the Iranian policy of openness and cooperation. The Committee was urged to lend no credence to the unfair, baseless claims contained in the resolution.

30. Mr. Ja'afari (Syrian Arab Republic), speaking in explanation of vote before the voting, said that there was broad international consensus that the Human Rights Council should periodically review the human rights situation of each Member State on an equitable basis, that human rights issues must be dealt with in a non-politicized manner and that international cooperation mechanisms must be developed in order to promote and protect those rights globally. A selective and politicized approach to human rights undermined any progress achieved by the international community in that regard. Moreover, employing double standards adversely affected the deliberations of the Human Rights Council and increased tension between States.

31. The credibility of the draft resolution was severely undermined by the fact that Israel was one of its sponsors. Syria deplored the fact that certain States that usually voted against Israeli human rights abuses

in the Occupied Arab Territories had joined the sponsors. It was astonishing that those States had sided with Israel against Iran. Syria urged its friends on the list of sponsors to resist the politicization of human rights issues. Syria would vote against the draft resolution and would continue to strive to promote equality and foster a spirit of cooperation, rather than confrontation.

32. Mr. Noziri (Tajikistan), speaking on behalf of Member States of the Organization of the Islamic Conference, said that those States opposed the practice of submitting country-specific resolutions on human rights that deliberately targeted Islamic and developing countries for political ends. Furthermore, those draft resolutions politicized the work of human rights bodies.

33. Iran had cooperated fully with the Human Rights Council, had recently submitted three periodic reports to United Nations treaty bodies and had signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. It was regrettable that, despite Iran's cooperation with the United Nations human rights mechanisms and positive developments in the field of human rights in the country, the draft resolution had been submitted to the Committee. All States were therefore urged to oppose the draft resolution.

34. Mr. Ali (Sudan) said that the human rights situation in specific countries must be addressed through the Human Rights Council's universal periodic review mechanism and not by the Committee, which should not seek to duplicate the Council's work. His country welcomed Iran's cooperation with the Council, which had commended Iran on positive developments that had occurred in the field of human rights and had welcomed its willingness to adopt Council recommendations. The Sudan deplored the fact that, while turning a blind eye to human rights violations in other parts of the world, the sponsors had submitted the draft resolution on Iran for political ends and to impose certain values on Iran especially with regard to religious and cultural issues. The Sudan would vote against the draft resolution and reaffirmed its conviction that dialogue was the only effective means to address and strengthen human rights.

35. Ms. Herrera (Cuba) said that her country strongly opposed resolutions that blatantly targeted specific developing countries for political ends

completely unrelated to the defence of human rights. Double standards and efforts to politicize human rights issues had discredited the former Human Rights Commission. Protecting and promoting human rights could only be achieved through international cooperation based on dialogue. By fully cooperating with the Human Rights Council, Iran had demonstrated that it was fully committed to constructive engagement. Cuba would vote against the draft resolution, which was highly politicized and undermined international cooperation.

36. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela), in explanation of vote before the voting, said that her country firmly rejected the ongoing practice of condemning specific States on the basis of their human rights records. Certain draft resolutions were proposed in order to promote some States' political interests rather than human rights. Moreover, States that sponsored those resolutions also committed human rights violations, yet, in a clear application of double standards, no draft resolutions criticizing their human rights records were ever put before the Committee. The sponsors and supporters of the draft resolution had no moral authority to set themselves up as a world court that judged others. Human rights issues must, instead, be considered by the Human Rights Council, which undertook impartial and non-selective reviews of human rights in all parts of the world, regardless of whether or not that was inconvenient to powerful and imperialistic States. Any measures taken by the United Nations in the field of human rights must be based on the principles of respectful dialogue, impartiality, non-selectivity and non-politicization. Venezuela would therefore vote against the draft resolution.

37. **Ms. Abubakar** (Libyan Arab Jamahiriya), speaking in explanation of vote before the voting, said that her country was gravely concerned that, on the pretext of promoting human rights, some countries were attempting to impose their ideologies and politics on others and were using human rights issues to further their political agendas. Violations of human rights could occur in all States and no country had a blameless human rights record. The Human Rights Council was the only appropriate forum in which human rights could be addressed in an impartial and non-politicized manner. To promote and protect those rights, the international community must adopt an approach based on mutual respect and dialogue and

which took States' cultural, social and religious dimensions into account. In view of its firm commitment to the principles of non-selectivity and non-interference, Libya would vote against the draft resolution. That did not mean, however, that Libya in any way condoned human rights violations.

38. *A recorded vote was taken on draft resolution A/C.3/65/L.49.*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Gambia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Peru, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Guinea, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Myanmar, Nicaragua, Niger, Oman, Pakistan, Qatar, Russian Federation, Senegal, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, Turkmenistan, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Barbados, Benin, Bhutan, Brazil, Burkina Faso, Burundi,

Cambodia, Cameroon, Central African Republic, Colombia, Congo, Côte d'Ivoire, Djibouti, Ecuador, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, India, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Malawi, Mali, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nigeria, Paraguay, Philippines, Republic of Korea, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, South Africa, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Uganda, United Republic of Tanzania, Uruguay, Zambia.

39. *Draft resolution A/C.3/65/L.49 was adopted by 80 votes to 44, with 57 abstentions.*

40. Ms. Riley (Barbados), speaking in explanation of vote, said that her country's position on country-specific resolutions on human rights remained unchanged. Barbados remained highly concerned about the highly political and divisive nature of the debate surrounding those resolutions and the selective targeting of certain Member States. That approach was neither constructive nor productive. It was through cooperation and dialogue rather than condemnation and isolation that progress in the field of human rights would be achieved and to that end, the Human Rights Council must be the forum in which the United Nations addressed human rights issues.

41. Mr. Kodama (Japan), speaking in explanation of vote, said that, although his country welcomed Iran's commitment to improving its human rights record, Japan had voted in favour of the resolution on the grounds that further improvement was required. Japan remained very concerned about restrictions imposed by Iran on fundamental rights and freedoms, its treatment of detainees and the execution of persons who, at the time of their offences, had been under 18 years of age. However, Japan also commended Iran for signing the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict as well as the Government's agreement to accept the recommendations of the Human Rights Council under the universal periodic review. Japan hoped that Iran would follow up on those recommendations and would continue to engage in dialogue on human rights with Japan and the international community. It had therefore declined to join the sponsors of the resolution and would continue

its dialogue with Iran with a view to improving its human rights situation.

42. Mr. de Sélles (Brazil) said that his delegation had abstained from voting on the draft resolution. It noted with concern the situation of human rights in the Islamic Republic of Iran, in particular the situation of women, which was marked by gender disparity, discriminatory laws and gender-based violence. The need for protection of the rights of minorities, members of the Baha'i International Community in particular, and the importance of protecting civil and political rights and human rights defenders was also of concern. His delegation welcomed legal reforms undertaken by Iran and its increased cooperation with the United Nations, including its participation in the universal periodic review, and expressed the hope that Iran would ratify the international human rights treaties to which it was not a party.

43. In the view of his delegation, the process that produced country-specific resolutions must improve. Those resolutions were the only ones that did involve open and transparent consultations in the Committee. The way some human rights situations were highlighted and not others was perceived as reinforcing a selective and politicized approach to human rights. The Human Rights Council was the body best equipped to examine human rights situations in a truly multilateral and non-politicized manner.

44. Mr. Fiallo (Ecuador) said that his delegation fully endorsed the work of the Human Rights Council and rejected the politicization of human rights. The Council must look at all countries without any geographical distinction, double standards or political motivations. Consequently, his delegation did not support country-specific draft resolutions and had abstained from voting.

45. Mr. Larijani (Islamic Republic of Iran) said that the high number of abstentions and votes against the draft resolution demonstrated the lack of support among a majority of member States and indicated that measures were needed to prevent the abuse of the United Nations human rights mechanisms. The adoption of country-specific resolutions by the Committee was damaging to the spirit of cooperation and constituted abuse of the human rights system by States that were themselves flagrant abusers of human rights. The draft resolution specifically targeting his country carried the hidden political agenda of certain

countries and was completely out of touch with the reality on the ground.

Agenda item 63: Report of the Human Rights Council (continued)

Draft resolution A/C.3/65/L.57: Report of the Human Rights Council

46. **Mr. Diallo** (Mali), introducing the draft resolution on behalf of the Group of African States, said that the report contained important recommendations with respect to key human rights issues. The Group hoped for the adoption of the resolution by consensus and encouraged all member States to become sponsors.

47. **The Chair** announced that India had become a sponsor of the draft resolution.

48. **Ms. Bouhamidi** (Morocco), speaking on behalf of States members of the Organisation of the Islamic Conference (OIC), noted the valuable work of the Human Rights Council and underlined the resolutions pertaining to human rights in the occupied Palestinian territory and the right of the Palestinian people to self-determination. It invited all member States to support the draft resolution.

49. **Mr. Apakan** (Turkey) said that the Report of the Human Rights Council and its addendum contained many important resolutions and decisions, including resolution 15/1 on the follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla. While no separate resolution had been initiated in the General Assembly on the issue, his delegation would revisit its position pending forthcoming developments and in consultation with other interested parties. He invited all member States to support the resolution.

50. **Ms. Furman** (Israel), speaking in explanation of vote before the voting, said that the Council's report and resolutions demonstrated its bias and fixation with Israel, reaffirmed its failure to adhere to its own founding principles and called its integrity and credibility into question. She noted that half of the country-specific resolutions not dealing with technical assistance were targeted at Israel. Her delegation regretted having to call for a vote on the resolution and urged other delegations with a genuine interest in promoting a responsible human rights agenda around the world to voice their concern as well.

51. **Mr. Burniat** (Belgium), speaking on behalf of the European Union in explanation of vote before the voting, said that it was concerned with the procedural aspects of the initiative. The compromise reached in the General Committee of the General Assembly allowed the Committee to consider and, if necessary, take action on the recommendations of the Human Rights Council to the General Assembly. The European Union believed that member States should be able to express their views on the individual recommendations of the Human Rights Council. A generic resolution taking note of the entire report brought no added value, nor did it respect the compromise reached in the General Committee. It was regrettable that it had not been possible to discuss the procedural and other implications of the text of the draft resolution with the main sponsors in an open meeting.

52. **Ms. Halabi** (Syrian Arab Republic), speaking in explanation of vote before the voting, said that Israel refused to comply with any United Nations resolutions and continued to impede the work of the United Nations Fact Finding Mission on the Gaza Conflict. Moreover, Israeli perpetrators of crimes against humanity continued to boast that they were immune from prosecution. The United Nations must take all necessary measures to investigate Israeli human rights violations that had been documented in the report of the Fact Finding Mission and must prosecute those responsible. Victims of human rights violations deserved justice. Syria would thus vote in favour of the draft resolution.

53. **Mr. Tagle** (Chile) speaking in explanation of vote before the voting, said that his delegation regretted that the draft resolution could not be adopted by consensus. It would vote in favour, without prejudice to its position on any future Human Rights Council resolutions.

54. *A recorded vote was taken on draft resolution A/C.3/65/L.57.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba,

Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands.

Abstaining:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

55. Draft resolution A/C.3/65/L.57 was adopted by 119 votes to 2, with 55 abstentions.

56. Mr. Michelsen (Norway), speaking also on behalf of Iceland, Liechtenstein, New Zealand and Switzerland in explanation of vote, said that those

countries were strong supporters of the Human Rights Council and its work. They viewed its standing nature which allowed the Council to address emerging situations quickly and the universal periodic review as among its key achievements.

57. Those delegations had, however, abstained in the vote for procedural reasons. In their view, the report of the Human Rights Council should be discussed in the plenary of the General Assembly rather than the Third Committee; furthermore, the plenary should simply take note of the report and its addendum. Member States had taken varying positions on the recommendations contained in the report, and the draft resolution just adopted obscured those carefully considered positions on specific recommendations. Member States were entitled to express their views on individual recommendations made by the Council.

58. Mr. Pak Tok Hun (Democratic People's Republic of Korea) said that his delegation had not taken part in the voting because it could not accept the politically motivated resolution of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea contained in the report of the Council.

59. Mr. Sammis (United States of America) said that the report of the Human Rights Council expressed both its strengths and weaknesses. The United States had supported many of its resolutions over the past year, including several concerning human rights situations in individual countries, in particular the extension of the mandate of the Independent Expert on the situation of human rights in the Sudan.

60. Acknowledgement of the report, however, should not be taken as support for the Council's unbalanced and one-sided approach to the situation in Israel and the occupied Palestinian territories. The Council should treat all countries in an unbiased and objective manner. The United States did not support resolutions that singled out the Government of Israel and not the violations of international law intentionally committed by Hamas.

61. Allegations of violations of international law that took place during the Gaza conflict warranted effective domestic follow-up, and Israel had the mechanisms to investigate, including a robust judiciary and the capability for independent review of military operations. The continuing bias against Israel was further evident in the hastily adopted resolution

establishing a fact finding mission with a flawed mandate to investigate the Gaza incident. His delegation commended the panel established by the Secretary-General to review the results of the internal investigations in Israel and Turkey and the spirit of cooperation it represented, and continued to regard that panel as the primary method for the international community to review that incident.

62. The work of his delegation on the Council would continue to be guided by his Government's commitment to the universality of human rights, dialogue, principled engagement and fidelity to the truth.

63. **Ms. Borland** (Belize) said that her delegation had wished to vote in favour of the draft resolution.

64. **Ms. Murillo Ruiz** (Costa Rica) said that her delegation had voted in favour of the draft resolution because of its support for the work of the Human Rights Council, but it agreed with other delegations that the Third Committee did not have competence to consider the report as a whole. The five-year review of the status of the Council should clarify that matter for the future.

65. As a draft resolution on the report of the Council with nearly identical language had been adopted the previous year without a vote, her delegation was concerned that the vote just taken could send a message that the work of the Council was being questioned. Her country attached great importance to the work of the Human Rights Council but did not believe that the Third Committee was an appropriate forum for discussion of its report.

66. **Ms. Sunderland** (Canada) said that her delegation welcomed the many elements of the report of the Human Rights Council which pointed to progress. However, it had abstained in the voting based on the belief that follow-up to the report should take place in the plenary of the General Assembly and not the Third Committee. The report also raised concerns over the disproportionate focus in the Council on the Middle East.

67. **Mr. De Leon Huerta** (Mexico) said that his delegation regretted that it had to abstain in the vote on a draft resolution concerning the Human Rights Council, to which it attached great importance, exclusively for procedural reasons. Consideration of the report of the Council in the Third Committee was

inconsistent with the decision of the General Committee to assign that report to the Plenary of the General Assembly, which was the appropriate forum. A final decision on that question should be taken as part of the five-year review of the status of the Human Rights Council.

Agenda item 66: Elimination of racism, racial discrimination, xenophobia and related intolerance (continued)

Draft resolution A/C.3/65/L.53/Rev.1: International Convention on the Elimination of All Forms of Racial Discrimination

68. **Mr. Gustafik** (Secretary of the Committee), referring to paragraphs 15, 16 and 20 of the draft resolution, said that on its adoption, current provisions in the programme budget for the biennium 2010-2011 would provide for Committee members' daily subsistence allowances and conference servicing requirements for the 20 additional meetings per year that the Committee would hold during the biennium 2010-2011, in addition to provisions for travel and per diem costs of the 18 members of the Committee to attend its two annual regular sessions in Geneva of 15 working days each and conference services requirements for the Committee meetings.

69. It was estimated that requirements of \$2,149,200 relating to the 40 additional meetings of the Committee would arise during the biennium 2012-2013. Those funds would be considered within the context of the preparation of the proposed programme budget for that biennium and would provide for Committee members' daily subsistence allowances, amounting to \$259,600, under Section 23, Human Rights, conference servicing requirements, amounting to \$15,200, under Section 28E, Administration, Geneva and conference servicing requirements for the additional 40 meetings amounting to \$1,874,400 under Section 2, General Assembly and Economic and Social Council affairs and conference management. The additional meetings would require per session an estimated additional 200 pages of pre-session documentation in four official languages of the United Nations and 30 pages of post-session documentation in all six official languages.

70. It was estimated that the preparation of the report that was called for in paragraph 3 of the draft resolution would amount to \$24,000, to be met within

available resources of the programme budget for the biennium 2010-2011.

71. **Ms. Ponikvar** (Slovenia) said that Argentina, Brazil, Bulgaria, Canada, Chile, China, Costa Rica, Cyprus, Ecuador, Estonia, France, Germany, Honduras, Iceland, India, Ireland, Lithuania, Madagascar, Malta, Niger, Nigeria, Norway, Panama, Poland, Republic of Korea, Romania, Slovakia, Spain, Turkey and Ukraine had also joined the sponsors.

72. Pursuant to further consultations, paragraph 15 of the draft resolution had been amended to read "*Decides to extend the authorization to the Committee to meet for an additional week per session, as a temporary measure, in 2012 in order to address the backlog of reports of State parties and additional complaints awaiting consideration*".

73. Agreement had been reached to adopt the amended resolution by consensus, reflecting agreement among Member States on the crucial role of the Convention and the Committee in the fight against racism, racial discrimination, xenophobia and related intolerance.

74. **Mr. Gustafik** (Secretary of the Committee) said that El Salvador, Kyrgyzstan, Nicaragua, Timor-Leste and the Bolivarian Republic of Venezuela had joined the sponsors of the draft resolution.

75. *Draft resolution A/C.3/65/L.53/Rev.1, as orally revised, was adopted.*

76. **Mr. Sammis** (United States of America), referring to preambular paragraph 8 and paragraphs 16 and 20 of the draft resolution, reiterated his country's position that that treaty body expenses should be funded by States parties and not from the regular budget of the United Nations. It was important to support efforts to increase the efficiency of all treaty bodies and improve working methods so that resources were used as effectively as possible. Those efforts played an important role in achieving a sustainable solution in efforts to reduce backlogs.

The meeting rose at 6 p.m.

**General Assembly**

Sixty-fifth session

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Third Committee**Summary record of the 49th meeting**

Held at Headquarters, New York, on Friday, 19 November 2010, at 10 a.m.

Chairman: Mr. Tommo Monthe (Cameroon)**Contents**Agenda item 68: Promotion and protection of human rights (*continued*)

- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Agenda item 105: Crime prevention and criminal justice (*continued*)Agenda item 27: Social development (*continued*)

- (a) Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (*continued*)
- (c) Follow-up to the International Year of Older Persons: Second World Assembly on Ageing (*continued*)

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The meeting was called to order at 10.30 a.m.

Agenda item 68: Promotion and protection of human rights (continued)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued)

Draft resolution A/C.3/65/L.30: International Convention for the Protection of All Persons from Enforced Disappearance

1. **Mr. Rutilo** (Argentina), speaking also on behalf of France and Morocco, said that Cape Verde, Georgia, India, Mongolia, New Zealand, Paraguay, Ukraine and Venezuela (Bolivarian Republic of) had joined in sponsoring the draft resolution, which urged States to ratify the International Convention for the Protection of All Persons from Enforced Disappearance as a matter of priority. The Convention was the result of over 25 years of work by the human rights movement and was the first international instrument to recognize that acts of enforced disappearance constituted a crime against humanity. It also entitled victims of enforced disappearance to reparations. He noted that the date proposed in the draft resolution to be the International Day of the Victims of 1 forced Disappearances had long been used by families of victims in Latin America as a day of remembrance. He made a revision to paragraph 2 of the draft resolution: "eighty-six" should be replaced with "eighty-seven", as an additional State had signed the Convention.

2. **Mr. Gustafik** (Secretary of the Committee) announced that Angola, Bosnia and Herzegovina, Comoros, Cuba, Senegal, Swaziland and Uganda had joined the sponsors.

3. *Draft resolution A/C.3/65/L.30, as orally revised, was adopted.*

Draft resolution A/C.3/65/L.35/Rev.1: Human rights in the administration of justice

4. **The Chair** said that the draft resolution contained no programme budget implications.

5. **Ms. Ploder** (Austria) said that Gambia, India, Lebanon, Mexico, Panama, Philippines and Ukraine had joined in sponsoring the draft resolution. Austria had a history of advocating respect for human rights in the administration of justice, particularly within the

Third Committee and the Human Rights Council, due to a strong belief in the need for impartiality in the judiciary and respect for the right to access justice and for the rights of people in detention. Her delegation was heartened by the sponsorship of so many delegations. Consultations on the text had resulted in a stronger focus on the rights of women and children and the inclusion of specific references to the outcome declaration of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and the Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.

6. The sponsors had agreed to make a number of amendments to the text: in the fourth preambular paragraph, after the words "(the Bangkok Rules)", the words "as a recent development recommended for due consideration" should be added; in the seventh preambular paragraph, the words "and relevant contributions of special procedure mandate holders of the Human Rights Council" should be deleted; after the eleventh preambular paragraph, the following text should be added as a new paragraph, "Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice as a crucial contribution to building peace and justice and ending impunity,"; in the thirteenth preambular paragraph, the words "and shall be" should be replaced by the words "as well as being", and the words "legal guardian or other sole or primary caregiver" should be replaced with the words "or, where applicable, legal guardians or primary caregivers"; in paragraph 8, the word "also" should be inserted before the words "the Office of the United Nations High Commissioner"; in paragraph 9, the words "and by ensuring effective access" should be replaced with the words "as well as by ensuring access"; in paragraph 11, the word "upcoming" should be added before the words "day of general discussion"; in paragraph 12, the words "babies and" should be deleted; in paragraph 13, the words "as well as" should be replaced with the words "bearing in mind"; in paragraph 14, the word "comply" should be replaced by the word "complying"; in paragraph 18, the words "Further encourages States to establish independent mechanism" should be replaced with the words "Calls upon States to consider establishing independent national or subnational mechanisms", and the word "complaints" should be replaced with the word "concerns".

7. Mr. Gustafik (Secretary of the Committee) announced that Angola, Morocco and San Marino had joined the sponsors of the draft resolution as orally revised.

8. *Draft resolution A/C.3/65/L.35/Rev.1, as orally revised, was adopted.*

9. Mr. Sammis (United States of America), speaking in explanation of position, said that his delegation was pleased to join the consensus in support of the draft resolution and welcomed the focus on addressing the vulnerability of women and children to abuse in the justice system. However, his delegation was concerned at the draft resolution's call for compliance with some obligations that the United States had not undertaken. While the draft resolution emphasized consideration of the interests of the child in pretrial measures and when sentencing a parent or caregiver, his delegation also considered other factors, such as public safety, to be equally important. He noted that the call for States to ensure that life imprisonment without the possibility of parole not be imposed on persons under the age of 18 was not an obligation imposed by customary international law, but was rather a reflection of treaty obligations that the United States Government had not assumed. His delegation interpreted the resolution as reaffirming obligations to the extent that States had accepted them.

Draft resolution A/C.3/65/L.39: Human rights and unilateral coercive measures

10. The Chair said that the draft resolution contained no programme budget implications.

11. Ms. Astiasarán Arins (Cuba), speaking on behalf of the Movement of Non-Aligned Countries, made the following revision to paragraph 2: the word "education" should be inserted after the words "medical care". She noted that the draft resolution recalled the grave extraterritorial effects and economic impact of unilateral coercive measures in the context of human rights. Her delegation hoped for the broadest support from Member States in adopting the draft resolution, which would act as a strong condemnation of such measures.

12. *At the request of the United States of America, a recorded vote was taken on draft resolution A/C.3/65/L.39.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great

Britain and Northern Ireland, United States of America.

Abstaining:
None.

13. *Draft resolution A/C.3/65/L.39 was adopted by 124 votes to 53.*

Draft resolution A/C.3/65/L.40: Enhancement of international cooperation in the field of human rights

14. **The Chair** said that the draft resolution contained no programme budget implications.

15. **Ms. Astiasarán Arias** (Cuba), speaking on behalf of the Movement of Non-Aligned Countries, said that the draft resolution had been based on the outcome agreement of the 15th summit of the Movement.

16. *Draft resolution A/C.3/65/L.40 was adopted without a vote.*

Draft resolution A/C.3/65/L.44: Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

17. **The Chair** said that the draft resolution contained no programme budget implications.

18. **Ms. Astiasarán Arias** (Cuba), speaking on behalf of the sponsors, said that Gambia, Kenya, Madagascar, Nigeria, Russian Federation and Tunisia had joined in sponsoring the draft resolution, which reaffirmed the right of all to peace and the obligation of States to protect that right. The text particularly emphasized the role of education as a tool for achieving peace. She urged all delegations to support the adoption of the draft resolution as evidence of their commitment to the right to peace.

19. **Mr. Gustafik** (Secretary of the Committee) announced that Bangladesh, Burundi, Comoros, India, Jamaica, Swaziland and Uganda had joined in sponsoring the draft resolution.

20. **The Chair** said that a recorded vote had been requested by the European Union.

21. **Mr. Nihon** (Belgium), speaking in explanation of vote before the voting on behalf of the European Union, said that the European Union recognized the relationship between the promotion of peace and realization of human rights. However, the draft resolution only considered States' mutual obligation in

promoting peace and did not recognize individual States' obligations to their citizens in that respect. It was the fulfilment of that obligation which made up the core mandate of the Human Rights Council and the work of the Third Committee. The European Union could not support such an oversight and would therefore vote against the draft resolution.

22. *A recorded vote was taken on draft resolution A/C.3/65/L.44.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania,

Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Chile, Democratic Republic of the Congo, Maldives, Samoa, Singapore.

23. *Draft resolution A/C.3/65/L.44 was adopted by 118 votes to 53, with 6 abstentions.*

Draft resolution A/C.3/65/L.45: Promotion of a democratic and equitable international order

24. **Ms. Astiasarán Arias** (Cuba), speaking on behalf of the sponsors, said that the Democratic Republic of the Congo, India, Indonesia, Lebanon, Madagascar, Nigeria and Tunisia had joined in sponsoring the draft resolution. The text had been updated to recognize the impacts of the recent economic crisis and included language noting the contribution that dialogue between religions and cultures made to strengthening international cooperation.

25. **Mr. Gustafik** (Secretary of the Committee) announced that Botswana, Burkina Faso, Comoros, Congo, Lesotho and Zambia had joined the sponsors.

26. **The Chair** said that a recorded vote had been requested by the European Union.

27. **Mr. Nihon** (Belgium), speaking in explanation of vote before the voting on behalf of the European Union, said that, while the European Union recognized that the issues raised in the draft resolution on the need for a democratic and equitable international order required analysis and action by all States, many statements in the text were selective, presented out of context and went beyond the scope of the Third Committee. Furthermore, the draft resolution emphasized international obligations to control the mechanisms of globalization while omitting the duties of individual States in that regard, a responsibility to which the European Union attached great importance. The European Union would therefore vote against the draft resolution.

28. *A recorded vote was taken on draft resolution A/C.3/65/L.45.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia,

Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Armenia, Chile, Mexico, Peru.

29. *Draft resolution A/C.3/65/L.45 was adopted by 118 votes to 53, with 5 abstentions.*

30. **Mr. Parham** (United Kingdom), speaking in exercise of the right of reply, said that during the Committee's discussion of the resolution on the situation of human rights in the Islamic Republic of Iran, the head of that country's delegation had made a number of obviously unfounded assertions, including the bizarre allegation that the United Kingdom was responsible for the death of Neda Agha Sultan. That, the latest of many such baseless allegations by the Iranian Government against his Government, was obviously a crude attempt to cover up the former's own misdeeds and brutality. However, the outcome of the vote on that draft resolution showed that such charges would do nothing to divert the attention of the international community from Iran's human rights record.

Agenda item 105: Crime prevention and criminal justice (continued)

Draft resolution A/C.3/65/L.14: United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

31. **The Chair** said that he had been advised that the draft resolution contained no programme budget implications.

32. **Ms. Kafeero** (Uganda), speaking on behalf of the African Group, said that the Institute served as a mechanism for cooperation between Governments, academic institutions and experts to mobilize human and administrative potential. The programmes offered at the Institute were driven by the demands of States. Despite the commitment of relevant authorities, some issues persisted due to low levels of resources and insufficient awareness. The report of the Secretary-General acknowledged the needs of African countries confronted with escalating crime rates.

33. *Draft resolution A/C.3/65/L.14 was adopted without a vote.*

Agenda item 27: Social development (continued)

(a) Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (continued)

Draft resolution A/C.3/65/L.11/Rev.1: Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly

34. **The Chair** said that he had been advised that the draft resolution contained no programme budget implications.

35. **Mr. Al Shami** (Yemen) said that Kazakhstan and Mexico had joined the list of sponsors. More than fifteen years after the Copenhagen Summit, much still needed to be done to achieve the goals contained in the Declaration and Programme of Action. With poverty and unemployment still prevalent around the world, social integration policies had been developed in a piecemeal manner, resulting in limited effects on social development. Moreover, the ongoing economic, food and energy crises were undermining the gains achieved in recent years. Against that backdrop, the draft resolution, which was based on the text from the previous year, included important changes and elements in support of global efforts to promote social development, such as the report of the Secretary-General on the follow-up to the Copenhagen Summit.

36. **Mr. Gustafik** (Secretary of the Committee) announced that Belarus and Turkey had joined the sponsors.

37. *Draft resolution A/C.3/65/L.11/Rev.1, as amended, was adopted.*

38. **Mr. Burniat** (Belgium), speaking on behalf of the European Union in explanation of position, said that the European Union remained fully committed to social development, as demonstrated by its traditional sponsorship of the resolution in the past. While it had engaged constructively in negotiations, it deeply regretted that the outcome had not met its expectations. The inclusion of references to agricultural policies and their relationship to the food crisis — an assessment the European Union considered factually incorrect — exceeded the scope of the resolution and the Third Committee, as did the discussion in paragraph 6 of external debt relief, which should not be singled out as

the only means of contributing to social development. Moreover, both issues were thoroughly discussed in the Second Committee, and references to them should not prevent ongoing discussions in that or other relevant bodies. Debt relief should be provided according to existing agreed frameworks, and paragraph 6, therefore, could not be seen as reflecting new agreed terms. Under that understanding, the European Union had been able to join consensus.

39. Mr. Sammis (United States of America), speaking in explanation of position, said that his delegation had joined consensus on the draft resolution despite the fact that the text could have struck a better balance in addressing the relative impact of domestic and external factors on social development. His Government shared many of the concerns expressed by the representative of Belgium on behalf of the European Union. Numerous United Nations resolutions recognized that the primary responsibility for social and economic development — which could also be affected by external factors — rested with national Governments. The international community must therefore address both internal and external causes of food insecurity in a comprehensive manner.

40. Mr. Kimura (Japan), speaking in explanation of position, said that his delegation welcomed the adoption of the draft resolution. However, it was regrettable that its concerns on paragraph 6 had not been reflected. Japan would continue to engage actively in building a society for all and in providing assistance to countries in need.

Agenda Item 27: Social development (continued)

(c) Follow-up to the International Year of Older Persons: Second World Assembly on Ageing (continued)

Draft resolution A/C.3/65/L.8/Rev.1: Follow-up to the Second World Assembly on Ageing

41. Mr. Gustafik (Secretary of the Committee), making a statement of programme budget implications, drew attention to paragraphs 28 and 29 of the draft resolution. The open-ended working group to be established pursuant to those paragraphs would meet at Headquarters in New York and decide on its calendar and programme of work by consensus at an organizational meeting in 2011. The working group would hold three sessions in 2011: an organizational session to be held before March 2011 with a duration

not exceeding three days, which would require interpretation services into six official languages for four meetings and three documents with a total number of 3,000 words to be translated and issued in six official languages; a first substantive session to be held no less than two months after the organizational session, with a duration not exceeding five days, which required interpretation services into six official languages for eight meetings and three documents with a total number of 9,000 words to be translated and issued in six official languages; and a second substantive session with a duration not exceeding five days, which required interpretation services into six official languages for ten meetings and three documents with a total number of 9,000 words to be translated and issued in six official languages. It was understood that interpretation services would be provided on an "as available" basis; therefore, no additional resources were required. As for the translation of the nine documents, an estimated additional \$131,600 would be required. The Secretariat would seek to identify areas from which resources could be redeployed to meet the requirements within the provisions approved under section 2, General Assembly and Economic and Social Council affairs and Conference Management for the biennium 2010-2011. Therefore, should the draft resolution be adopted, there would be no programme budget implications for that biennium.

42. Mr. Al Shami (Yemen), speaking on behalf of the Group of 77 and China, said that Albania, Andorra, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Israel, Latvia, Luxembourg, Malta, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey and the United States of America had joined the sponsors. For far too long, the issue of ageing had not received the attention it deserved from the international community. The draft resolution therefore called for the establishment of an open-ended working group. While the original draft had included a stronger reference to a specific mandate to be assigned to the working group, the revised version focused on more realistic goals and aimed to allow all delegations to be involved in and comfortable with that important process. As mentioned, the draft resolution contained no programme budget implications. As agreed, the working group would function within existing resources for the duration of its mandate unless an agreement was reached at a later stage, by consensus. Moreover, it would not be a

permanent forum on the issue of older persons but would instead focus its deliberations on the issue outlined in paragraph 28. At an organizational meeting in early 2011, its calendar and programme of work would be determined, as would the number of meetings, which would be held at times when no other major meetings were in progress. The Secretariat would provide support with documentation on the basis of available resources.

43. Mr. Gustafik (Secretary of the Committee) announced that Belarus, Bosnia and Herzegovina, Croatia, Iceland, Italy, Monaco, Montenegro, Norway, Republic of Korea, Republic of Moldova, San Marino, Serbia and Ukraine had joined the sponsors.

44. Draft resolution A/C.3/65/L.8/Rev.1, as amended, was adopted.

45. Mr. Al Shami (Yemen), speaking on behalf of the Group of 77 and China, said that the establishment of an open-ended working group sent the positive signal that countries supported the promotion and protection of the rights of older persons, as all persons would ultimately age. While the outcome of the group's deliberations remained to be seen, delegations could take pride in the fact that a tangible outcome had been achieved and an historic step in the right direction had been taken.

46. Mr. Burniat (Belgium), speaking on behalf of the European Union, said that the European Union attached great importance to the issue of ageing. While longevity was a positive development, it also posed challenges, including human rights issues affecting older persons. The European Union looked forward to contributing constructively to the open-ended working group, while also considering the existing international framework. He concurred that all activities of the working group would be covered by existing resources for the duration of its mandate, including during the next biennium of the regular budget.

47. Mr. Luktyantsev (Russian Federation) said that his delegation welcomed the adoption of the draft resolution. It interpreted the references in paragraph 23 to the International Institute on Ageing in Malta and the European Centre for Social Welfare Policy and Research in Vienna as examples of structures dealing with issues affecting the elderly. Those references did not mean that the General Assembly had granted those mechanisms any special standing or status.

The meeting rose at 12.30 p.m.



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Chair: Mr. Tommo Monthe (Cameroon)

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The meeting was called to order at 3.05 p.m.

Agenda item 68: Promotion and protection of human rights (continued) (A/65/336)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued)

Draft resolution A/C.3/65/L.46/Rev.1: Combating defamation of religions

1. **The Chair** said that the draft resolution had no programme budget implications.

2. **Ms. Bouhamidi** (Morocco), introducing draft resolution A/C.3/65/L.46/Rev.1 on behalf of the Organization of the Islamic Conference (OIC) and speaking in Morocco's capacity as Chair of the OIC working committee on human rights and humanitarian affairs, said that Bolivia (Plurinational State of) and Venezuela (Bolivarian Republic of) had joined the sponsors. The sponsors had noted with growing concern an increasing trend to erosion of the international human rights legal framework. Priority was being given to some fundamental rights rather than others, leading to justification and even legitimization of practices that incited racial and religious hatred and acts of discrimination and violence. A non-discriminatory approach based on respect and tolerance for diverse views, beliefs and religious sensitivities was key to preserving the multicultural fabric of the international order. The draft resolution was being presented once again in order to address that issue comprehensively and to respond to emerging calls in reports by many senior United Nations officials, including the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and other stakeholders, to combat the increasing trend of defamation of religions.

3. The draft resolution did not detract from the mandates of the special rapporteurs but rather enriched and complemented them. The sponsors had added a provision to the previous year's text to invoke the notion of rights and responsibilities, and the promotion and protection of fundamental rights, defending the rights of all to freedom from racial or religious discrimination. The OIC group had conducted extensive consultations, adopting a flexible and

constructive approach of transparent and open dialogue with all delegations and groups. An array of amendments had been introduced to address the concerns of all partners. The scope of the text had been broadened to address all religions by adding a new reference to Islamophobia, Judeophobia and Christianophobia, removing one reference to Muslim minorities and adding a reference to religious minorities, changing the word "defamation" to "vilification", adding a reference to article 27 of the International Covenant on Civil and Political Rights and emphasizing the international obligations of Member States in accordance with international law and international human rights instruments. A consensus on the resolution would provide impetus and strengthen collective efforts in the fight against all forms of racial and religious intolerance, discrimination and violence.

Agenda item 28: Advancement of women (continued)

(a) Advancement of women (continued)

Draft resolution A/C.3/65/L.20/Rev.1: Trafficking in women and girls

4. **The Chair** said that the draft resolution had no programme budget implications.

5. **Ms. Hernando** (Philippines), introducing draft resolution A/C.3/65/L.20/Rev.1, said that Argentina, Australia, Iceland, Serbia and Venezuela (Bolivarian Republic of) had joined the sponsors. The text of the resolution was the product of extensive negotiations and represented the broadest possible consensus.

6. **The Secretary** said that Albania, Angola, Armenia, Bangladesh, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Burkina Faso, Burundi, Cape Verde, the Comoros, the Congo, Côte d'Ivoire, Croatia, Ecuador, Ethiopia, the Gambia, Grenada, Guatemala, India, Italy, Jordan, Kenya, Lebanon, Lesotho, Liberia, Malawi, Maldives, Mali, Mexico, Monaco, Montenegro, Namibia, Nicaragua, the Niger, Norway, Papua New Guinea, Peru, the Republic of Korea, the Republic of Moldova, Rwanda, San Marino, Senegal, Seychelles, Sierra Leone, the Sudan, Swaziland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, the United Arab Emirates, the United Republic of Tanzania, Zambia and Zimbabwe had joined the sponsors of the draft resolution.

7. *Draft resolution A/C.3/65/L.20/Rev.1 was adopted.*

8. **Ms. Alsaleh** (Syrian Arab Republic) said that her delegation aligned itself with the consensus on draft resolution A/C.3/65/L.20/Rev.1. Her Government made every effort to eradicate all trafficking in persons and contributed effectively to regional and international efforts aimed at combating trafficking in persons, particularly women and girls.

9. Her delegation was disappointed at the lack of response to its concerns, especially regarding paragraph 6, in which her delegation had sought to include a reference to complex emergencies, especially as mention was made of natural disaster and post-conflict reconstruction. She wondered how Member States could call upon the United Nations system to mainstream, as appropriate, the issue of trafficking in persons, especially women and girls, into its broader policies and programmes aimed at addressing economic and social development, human rights, the rule of law, good governance, education, health, natural disasters and post-conflict reconstruction, without addressing complex emergencies. Such emergencies provided fertile ground for the emergence and growth of human trafficking and made it possible for the perpetrators and organizers of those crimes to act with impunity.

10. Her delegation would continue its efforts to mainstream the fundamental causes of and contributory factors to the emergence and growth of trafficking, especially as the presence of foreign occupation and cases of complex emergency had caused her region to be affected by trafficking. She hoped that, in future, equal attention would be paid to the concerns of all delegations.

11. **Ms. Hernando** (Philippines) said that the sponsors' goal had been to address the problem of trafficking and that the concern raised by the Syrian delegation had been adequately addressed in another paragraph of the resolution. The practice of some delegations of making proposals at the eleventh hour was a cause of concern, as it disrupted the negotiation process.

12. **The Chair**, in accordance with General Assembly decision 55/488, proposed that the Committee should take note of the following documents: Report of the Committee on the Elimination of Discrimination against Women on its forty-fourth and forty-fifth sessions (A/65/38); and Note by the Secretary-General

transmitting the report on the activities of the United Nations Development Fund for Women (A/65/218).

13. *It was so decided.*

Agenda item 67: Right of peoples to self-determination (continued)

Draft resolution A/C.3/65/L.52: The right of the Palestinian people to self-determination

14. **The Chair** said that the draft resolution had no programme budget implications.

15. **Mr. Sellm** (Egypt), introducing draft resolution A/C.3/65/L.52, said that Antigua and Barbuda, Barbados, Brazil, Bulgaria, Burkina Faso, Costa Rica, Dominica, Gabon, Gambia, Liberia, Malawi, Nigeria, Rwanda, San Marino and Ukraine had joined the sponsors. The inalienable right to self-determination was enshrined in international law and international human rights instruments. It was not a gift to be bestowed by the international community on peoples living under colonialism and foreign occupation. Adoption of the draft resolution by consensus would send a strong positive message of solidarity to the Palestinian people and would surely contribute to the ultimate realization of their long-overdue right to self-determination and the establishment of their independent, sovereign and viable State of Palestine, with East Jerusalem as its capital.

16. **Mr. Gustafik** (Secretary of the Committee) said that Bosnia and Herzegovina, Egypt, Liechtenstein, Lithuania, Spain and Sweden had joined the sponsors.

17. **Ms. Furman** (Israel), speaking in explanation of vote before the vote, said that in 2009, the new Prime Minister of Israel had spoken of his vision of peace, with two free peoples living side by side in that small land, with good neighbourly relations and mutual respect, each with its flag, anthem and Government, with neither one threatening its neighbour's security or existence. The Prime Minister's offer to meet at any time and in any place to discuss peace was still valid.

18. Israel would vote against the resolution because real progress towards the self-determination of the Palestinian people would come not from one-sided political resolutions but through direct bilateral negotiations. Israel continued to call on the Palestinian leadership to return to negotiations without preconditions. The road to peace was not an easy one,

but peace could certainly not be achieved until the two sides sat down to talk.

19. The draft resolution called for the unity of the Palestinian territories, but failed to address the fact that Hamas terrorists had violently seized control of the Gaza Strip, separating it administratively from the West Bank. Furthermore, the resolution failed to place any responsibility on the Palestinians to respect the safety and security of the State of Israel. Thousands of rockets and mortars had been launched against Israel in recent years, and during the previous weekend, another seven mortars and one long-range rocket had been fired from the Gaza Strip. Real peace should be based on security, mutual recognition and mutual respect, in order to ensure prosperity for the two peoples.

20. *At the request of the representative of Israel, a recorded vote was taken on draft resolution A/C.3/65/L.52.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint

Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, United States of America.

Abstaining:

Cameroon, Canada, Democratic Republic of the Congo.

21. *Draft resolution A/C.3/65/L.52 was adopted by 174 votes to 5, with 3 abstentions.*

22. **Mr. Díaz Bartolomé** (Argentina) said that his delegation welcomed the adoption of the draft resolution and had also welcomed the adoption of draft resolution A/C.3/65/L.51 on the right to self-determination of peoples that were still under colonial domination or foreign occupation. The right to self-determination should be interpreted in accordance with the purposes and principles of the Charter of the United Nations, General Assembly resolutions 1514 (XV) and 2625 (XXV) and other relevant United Nations resolutions.

23. The exercise of the right to self-determination presupposed that there was an active subject in the form of a people subject to alien subjugation, domination and exploitation, as defined in paragraph 1 of General Assembly resolution 1514 (XV). Without such a subject, there was no right to self-determination. The Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas had been unlawfully occupied by the United Kingdom, which had expelled the Argentine population and authorities in order to install its own population there. Therefore, it was not the right to self-determination, but rather the other important principle of decolonization, territorial integrity, that should apply.

24. All of the relevant resolutions of the General Assembly and of the Special Committee on decolonization had highlighted the special and particular colonial situation of the Malvinas Islands, recognizing the existence of a sovereignty dispute between Argentina and the United Kingdom and noting that the way to resolve that dispute was through the resumption of bilateral negotiations with a view to finding a just, peaceful and lasting solution as soon as possible, taking into account the interests of the islanders.

25. Mr. Lomax (United Kingdom), speaking in exercise of the right of reply, said that the United Kingdom had no doubt concerning its sovereignty over the Falkland Islands. No negotiations would be held on that subject unless and until such time as the islanders themselves so desired. The British Government attached great importance to the principle of self-determination, as set out in Article 1.2 of the Charter and article 1 of the International Covenant on Civil and Political Rights. That principle underlined his Government's position on the Falkland Islands.

26. The United Kingdom's relationship with all its overseas territories was a modern one, based on partnership, shared values, and the right of each territory, including the Falkland Islands, to determine whether it wished to retain a link to the United Kingdom. During the debate of the Special Committee on decolonization in the current session, the democratically elected representatives of the Falkland Islands had once again asked the Committee to recognize their right to exercise their right to self-determination. They had reiterated that the Falkland Islands had no indigenous people and that no civilian population had been removed prior to their people settling on the Islands over eight generations previously. They were and had been the only people living in the Falkland Islands and they did not wish for any change in the status of the Falkland Islands.

27. Ms. Rasheed (Observer for Palestine) said that the brutal denial of the Palestinian people's right to self-determination was the cause of their suffering and of the problems faced by the Middle East region as a whole. The international community's continuous affirmation of that right was critical. The resolution could only promote peace and should not be seen as contrary to the peace efforts, but as complementary and necessary. The right to self-determination was not a permanent status issue or an issue for negotiation, but

an inalienable right of all peoples. Israel's negative vote had sent the message that it rejected the creation of a Palestinian State and the vision of two States living side by side in peace and security. By opposing the Palestinian people's right to self-determination, Israel was violating the crux of the agreements, namely mutual recognition between the two sides. It was not possible to recognize the Palestinian people and their rights and yet refuse that people the right to self-determination.

28. The two-State solution for peace was seriously undermined by the continuation of illegal Israeli policies and practices. The continued colonization of Palestinian land; through the illegal settlement campaign and the unlawful construction of an expansionist wall in the occupied Palestinian territory, was seriously undermining the Palestinian people's right to self-determination and the possibility of realizing the two-State solution. Those activities were the true threat to a peaceful settlement.

29. The 174 votes in favour and the 135 sponsors of the draft resolution illustrated the fact that the Israeli representative's statement was merely an attempt by the occupying Power to distort the context of the occupation. Any solution for peace in the Middle East had to recognize and guarantee the basic rights of both peoples. Recognizing the Palestinian people's right to self-determination, including their right to an independent State of Palestine, was clearly a first step in that direction. The Palestinian people would not surrender that right under any circumstances and would continue their efforts until an independent Palestinian State, with East Jerusalem as its capital, was not just a dream or an aspiration, but a Palestinian reality.

Agenda item 68: Promotion and protection of human rights (continued) (A/65/336)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued)

Draft resolution A/C.3/65/L.32/Rev.1: Elimination of all forms of intolerance and of discrimination based on religion or belief

30. Mr. Nihon (Belgium), speaking on behalf of the sponsors of the draft resolution, said that they stressed the paramount importance of the right to freedom of religion and belief, and were deeply concerned over the

rise in instances of intolerance and violence against religious communities and minorities. They also welcomed the adoption by consensus of many relevant General Assembly resolutions.

31. In order to obtain the desired consensus, the sponsors had unfortunately not been able to state in the resolution that the freedom of religion and belief must also include the right to change or abandon one's religion or belief. They would also have preferred to be more specific about stressing the importance of anti-discrimination legislation to combat religious intolerance.

32. In order to achieve consensus, the following oral amendments had been proposed. After paragraph 10, a new paragraph 10 bis should be inserted which would then become paragraph 11, and all subsequent paragraphs would be renumbered accordingly. That new paragraph was the text of paragraph 6 from the consensus Human Rights Council resolution 14/11 "Freedom of Religion and Belief: Mandate of the Special Rapporteur" and which read:

Expresses concern at the continued existence of instances of religious intolerance, as well as emerging obstacles to the enjoyment of the right to freedom of religion or belief, inter alia:

(a) Instances of intolerance and violence directed against members of many religious minorities and other communities in various parts of the world;

(b) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by the derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief;

(c) Attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, as they have more than material significance on the dignity and lives of members of communities holding spiritual or religious beliefs;

(d) Instances, both in law and practice, that constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on

Civil and Political Rights, as well as other international documents;

(e) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction.

33. Preambular paragraph 9 and paragraph 10 (h) had been deleted from L.32/Rev.1 since they had become redundant with the insertion of the new paragraph. In view of subparagraph 9 (e) of the new paragraph, the words "at constitutional and legal systems that fail to provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction" had been deleted. Preambular paragraph 10 in its final form would thus read: "Concerned at the increasing number of laws and regulations that limit the freedom of thought, conscience and religion or belief, and at the implementation of existing laws in a discriminatory manner,".

34. The European Union hoped that the Committee would adopt draft resolution L.32/Rev.1, as orally revised, without a vote.

35. Mr. Gustafsk (Secretary of the Committee) said that Bolivia (Plurinational State of), Cape Verde, Côte d'Ivoire, Ecuador, India, New Zealand, Paraguay, Philippines, United Republic of Tanzania, Turkey and Uruguay had joined the sponsors.

36. Ms. Bouhamidi (Morocco), speaking on behalf of the Organization of the Islamic Conference (OIC) in explanation of position, said that the OIC opposed all forms of intolerance and discrimination based on religion or belief. It condemned in the strongest possible terms all acts of violence falsely claimed by their perpetrators to be in the name of religion, and firmly believed that all world religions shared the same message of peace, respect for others and reverence for the sanctity of life. In that context, the OIC reaffirmed that terrorism must not be associated with any religion, nationality, civilization or ethnic group. It had consistently supported the mandate of the Special Rapporteur on freedom of religion or belief, and had no fundamental problems with the general thrust of the draft resolution.

37. Despite the compromises made during the negotiation process, the Organization of the Islamic Conference still had concerns on some important

issues, including respect for national laws and religious norms about the right to change one's religion. While emphasizing the importance of freedom of expression, the OIC also considered that in some cases religious intolerance resulted from its misuse. Further, while acknowledging the important role of media in combating religious intolerance, it emphasized the importance of working with media organizations to promote tolerance and understanding of religions, cultural diversity and multiculturalism.

38. The OIC was of the view that people were not inherently vulnerable but were made vulnerable due to their social and political contexts. It therefore understood the reference in the text of the draft resolution to vulnerable individuals to be strictly confined to women, children, peoples living under foreign occupation, refugees, asylum-seekers and internally displaced persons, migrants, persons deprived of their liberty and persons belonging to national, ethnic, religious or linguistic minorities, with regard to their ability to exercise freely their right to freedom of religion or belief.

39. It also understood the freedom to adopt a religion or belief of one's choice and the freedom to manifest religion or belief in teaching, practice, worship and observance to be applicable both to the individual and the religious community to which the individual belonged. Thus, defamation of religion was a serious threat to that freedom, as it could lead to the illicit restriction of the freedom of religion, incitement to religious hatred and violence, social disharmony and violations of human rights.

40. Despite divergence on those issues, however, the OIC had decided to join the consensus on the draft resolution.

41. Mr. Mashabane (South Africa), speaking in explanation of position, said that the draft resolution posed major challenges to his delegation, in that it did not address all the pertinent elements of the issue of freedom of religion or belief, in particular contemporary manifestations associated with violations in that context. South Africa believed in the exercise of the right to freedom of opinion and expression as understood in international human rights law and enshrined in its Constitution. A delicate balance must be maintained, however, in the exercise of that right and the right to freedom of religion or belief as

understood in articles 19 and 20 of the International Covenant on Civil and Political Rights.

42. The absence of language in the text stating that acts of incitement to religious hatred should be punishable by law could only lead to resolutions that flouted the provisions of international human rights law. Further, it was inconceivable that the text could be silent on the role of media in incitement to religious hatred. The international human rights system must strive at all times to provide maximum remedies for victims, eliminate impunity and maintain the delicate balance between the exercise of the right of freedom of religion or belief and the right to freedom of opinion and expression. His delegation therefore dissociated itself from the text of the draft resolution.

43. *Draft resolution A/C.3/65/L.32/Rev.1, as orally revised, was adopted.*

Draft resolution A/C.3/65/L.41/Rev.1: The right to development

44. The Chair said that he had been advised that the draft resolution contained no programme budget implications.

45. Ms. Astiasaran Arias (Cuba) said that her delegation was introducing the draft resolution in its capacity as coordinator of the Working Group on Human Rights of the Movement of Non-Aligned Countries. The Movement attached great importance to the right to development and urged all States to formulate policies and programmes at the national level for its realization. The text of the current draft resolution highlighted in particular the commemoration in 2011 of the twenty-fifth anniversary of the Declaration on the Right to Development. The language of the draft resolution had been revised to reflect that of Human Rights Council resolution 15/25, adopted in October 2010.

46. Mr. Selim (Egypt), speaking on behalf of the Movement of Non-Aligned Countries, said that those countries strongly believed that the full realization of the right to development was among rights fundamental to promoting a culture of peace and friendly relations among nations, as set out in the Charter of the United Nations. Further, they believed that democracy and good governance, development and respect for all human rights and fundamental freedoms, in particular the right to development, were interdependent and mutually reinforcing. Noting the

interdependence of nations and the varying levels of human development worldwide, the Heads of State and Government of the Movement had reaffirmed the need for a new global order aimed at reversing the growing disparities between rich and poor through poverty eradication, full and productive employment, decent work and social integration.

47. Accordingly, it urged all States to undertake at the national level the necessary policy measures required for the implementation of the right to development. At the same time, it urged the United Nations human rights machinery to ensure the operationalization of the right to development as a priority, including the elaboration of a convention on the right to development. That right should also be mainstreamed in the policies and operational activities of United Nations specialized agencies, funds and programmes, as well as in the international financial and multilateral trading systems.

48. The draft resolution was a genuine attempt to fulfil the aspirations of all peoples for development and prosperity, and it was regrettable that the text would be put to a vote. It was to be hoped that, with more interest and determination, consensus could be achieved in the future.

49. **Mr. Sammis** (United States of America), speaking in explanation of vote before the voting, said that his Government had announced a new global development policy, which placed a premium on broad-based economic growth, democratic governance, innovation and sustainable systems for meeting basic human needs. It recognized development as a long-term proposition and that progress depended to a great extent on policies chosen and the quality of institutions in developing countries.

50. The objectives of that policy aligned closely with the broader thrust of the draft resolution on the right to development. His delegation regretted, however, that it must call for a vote, as it did not believe that the text reflected consensus on the best way to achieve the shared commitment to development. In particular, it did not consider it appropriate as stated in paragraph 8 of the draft resolution, for any criteria related to the right to development to evolve into a basis for consideration of an international legal standard of a binding nature. His delegation would therefore vote against the draft resolution.

51. **Ms. Sunderland** (Canada) said that Canada supported the concept of the right to development, with the individual at its core as both the main participant and beneficiary of development. In the view of her delegation the right to development was an important bridge between all human rights. It was the primary responsibility of States to ensure the fulfilment of that right.

52. Canada had supported the 1986 Declaration on the Right to Development and had been actively engaged in discussions on that topic ever since, including in the Working Group on the right to development, which it viewed as a useful forum to help build consensus on the difficult and sometimes divisive issues surrounding that right.

53. Her delegation was concerned that the draft resolution would undercut and weaken the spirit of consensus that had been building recently. It also had serious concerns regarding a legally binding instrument on the right to development. There was currently no international consensus on the consideration of that option. In the view of her delegation, it would be better to focus on development and sharing of best practices and strengthening existing initiatives rather than seeking to create new legal obligations.

54. As the twenty-fifth anniversary of the Declaration approached, Canada hoped for constructive dialogue and compromise on the challenges being faced. However, for the reasons outlined, her delegation would vote against the draft resolution.

55. *At the request of the United States of America, a recorded vote was taken on draft resolution A/C.3/65/L.41/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras,

India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Georgia, Germany, Hungary, Israel, Japan, Latvia, Lithuania, Netherlands, New Zealand, Poland, Republic of Korea, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Austria, Croatia, Cyprus, Finland, France, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Montenegro, Norway, Portugal, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, Ukraine.

56. *Draft resolution A/C.3/65/L.41/Rev.1 was adopted by 130 votes to 22, with 28 abstentions.*

57. **Ms. Fontana** (Switzerland), speaking in explanation of vote, said that her delegation had voted against the draft resolution because of the wording of paragraph 8, which did not match the wording of the resolution on that topic adopted in the Human Rights Council. Her delegation therefore regretted that it must distance itself from the current text. It regretted the

lack of true negotiation on the text and hoped that a more inclusive approach would be taken in the future.

58. **Mr. Burniat** (Belgium), speaking on behalf of the European Union in explanation of vote, said that the European Union believed that the right to development was an integral part of fundamental human rights and that a lack of development could not be invoked to justify the abrogation of internationally recognized rights. It would continue to play an active role in implementation of the right to development; for a number of years the European Union had been the largest provider of development aid. Nevertheless, it stressed that it was the primary responsibility of States to create the conditions for the realization of the right to development, while acknowledging that national development efforts must be supported by an enabling international economic environment.

59. The definition of the right to development was still changing and remained ambiguous. Therefore it was the understanding of the European Union that the work of the Working Group on the right to development did not imply a process leading to a binding international legal standard. It had actively supported resolutions on the right to development both in the General Assembly and the Human Rights Council when they had been drafted with a truly constructive and balanced approach. However, it was the view of the European Union that the draft resolution did not accurately reflect the work of the Working Group. The fulfilment of the right to development must evolve on the basis of consensus, avoiding politicization and built on the promotion and respect for civil, political, economic, social and cultural rights.

60. The European Union reiterated its suggestion that the Movement of Non-Aligned Countries should consider a procedural resolution on the right to development in the General Assembly in order to keep the focus on the right to development in Geneva, where the High Commissioner for Human Rights had presented a report on the topic to the past session of the Human Rights Council.

Draft resolution A/C.3/65/L.42/Rev.1: The right to food

61. **The Chair** said that he had been advised that the draft resolution contained no programme budget implications.

62. **Ms. Astiasaran Arias** (Cuba) said that despite the fact that the right to food had been recognized in international human rights instruments, over 1 billion people around the world, mostly in developing countries, still suffered from hunger. The text of the draft resolution also emphasized that without an enabling international economic environment, that right could not be realized.

63. Since the introduction of the draft resolution, the following countries had joined the sponsors: Armenia, Australia, Barbados, Botswana, Burundi, Cameroon, Côte d'Ivoire, Egypt, Ghana, India, Jamaica, Kuwait, Kyrgyzstan, Lesotho, Liberia, Madagascar, Mali, Qatar, Saint Kitts and Nevis, Saint Lucia, Sri Lanka, Swaziland, Tajikistan, Togo, Trinidad and Tobago and Zimbabwe.

64. During the informal consultations, the following delegations had also joined the sponsors: Austria, Belgium, Croatia, Cyprus, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxemburg, Malta, Mexico, Mongolia, Netherlands, Norway, Philippines, Portugal, Romania, Serbia, Slovenia, Spain, Tunisia, Turkey, Tuvalu and United Kingdom.

65. **Mr. Gustafik** (Secretary of the Committee) said that Albania, Bosnia and Herzegovina, Brazil, Burkina Faso, Liechtenstein, Monaco, Montenegro, Republic of Moldova, Nauru, Rwanda, San Marino, the former Yugoslav Republic of Macedonia and Ukraine had also indicated that they wished to join the sponsors.

66. *Draft resolution A/C.3/65/L.42/Rev.1 was adopted.*

67. **Ms. Melon** (Argentina) said that her Government was deeply concerned at the global situation of food insecurity. It attached great importance to all regional and multilateral initiatives to address that issue, and, as a member of the Food Security Committee of the Food and Agriculture Organization of the United Nations (FAO), had contributed to its reform.

68. Nevertheless, her Government would continue to fight the extortionate agricultural and trade policies of the developed countries that had led to disinvestment in the agricultural sectors of developing countries. It did not share the view that the concept of food sovereignty should replace food security. Trade policies should be adjusted to reflect the necessary reforms of the rules of international trade and the General Assembly should look at the relationship

between extortionate trade policies and agricultural subsidies, which led to imbalances in global agriculture.

69. **Mr. Sammis** (United States of America) said that improving global food security was among the key foreign policy objectives of his Government. It had strongly supported the adoption of the Rome Principles on food security adopted at the 2009 World Food Summit, and was committed to accelerating progress on Millennium Development Goal 1 — halving extreme poverty by 2015 — by investing in country plans to boost agricultural development.

70. The United States of America was not a party to the International Covenant on Economic, Social and Cultural Rights, and by joining consensus on the draft resolution, did not recognize any change in current conventional or customary international law regarding rights related to food. It interpreted the references in the draft resolution to the right to food, with respect to States parties to that Covenant, in the light of its article 2, paragraph 1, and its references to the obligations of Member States regarding the right to food as applicable to the extent that they had assumed such obligations. While the United States had for the past decade been the world's largest food aid donor, it did not concur with any reading of the resolution that would suggest the States had particular extraterritorial obligations arising from the right to food.

71. The United States was committed to international trade liberalization and to the conclusion of the Doha Round of trade negotiations. Opening markets through such trade agreements could generate the economic growth necessary to spur development. At the same time, the draft resolution would in no way undermine or modify the commitments of the United States or any other Government to existing trade agreements or ongoing negotiations.

72. Similarly, he reiterated the view that the implementation of the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) supported comprehensive approaches to food security by encouraging policies that enabled countries to use tools and incentives, including biotechnology, that increased agricultural productivity. By joining the consensus on the draft resolution, it supported continued implementation of the TRIPS Agreement, which provided for patent and plant variety protection

systems of benefit for researchers, producers, consumers and society.

73. **Mr. Burniat** (Belgium), speaking on behalf of the European Union, as well as Turkey, Croatia, the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina, Montenegro, the Republic of Moldova and Ukraine, said that the European Union continued to believe that a human rights-based approach was vital to ensure adequate priority for food security and poverty eradication. It was the primary responsibility of States, individually and through international cooperation, to meet the vital food needs of their people. Good governance and the enjoyment of the full range of civil, cultural, economic, political and social rights were all critical in ensuring food security on a sustainable basis. The European Union therefore believed that a human rights perspective, especially women's rights, should be mainstreamed in national strategies for the realization of the right to adequate food.

74. Referring to paragraph 15 of the draft resolution and the concept of "food sovereignty", he said that the European Union supported a rules-based international trading system and accepted the idea of differentiated treatment of developing countries, but not the idea that States could implement any policy that conflicted with the rules-based international system. It believed that, in taking a rights-based approach, the emphasis should also be on strengthening entitlements and not only on promoting food production.

Draft resolution A/C.3/65/L.43/Rev.1: Protection of human rights and fundamental freedoms while countering terrorism

75. **Mr. De Leon Huerta** (Mexico) said that, since the introduction of the draft resolution, Andorra, Belarus, Italy, Japan, Lithuania, Netherlands, Russian Federation and San Marino had joined the sponsors.

76. Following consultations, a number of oral revisions to the text had been made. In the seventh preambular paragraph, the sixth line, the words "and enhancing" should be deleted. In paragraph 13, the fourth line, the rest of the sentence after "as the fundamental basis of the fight against terrorism" should be deleted. A new paragraph 13bis should be included, which read: "Call upon the United Nations entities involved in supporting counter-terrorism efforts to continue to facilitate the promotion and

protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism;". In paragraph 14, the fifth line, the word "each" should be deleted; "the" should be inserted before "working group"; which should be made plural. In the last line, "its" should be replaced by "their". Lastly, in paragraph 19, the fifth line, the phrase "including on good practices concerning measures adopted in this regard" should be deleted.

77. **The Chair** said that he had been advised that the draft resolution as orally revised contained no programme budget implications.

78. **Mr. Gustafik** (Secretary of the Committee) said that Angola, Canada, Cape Verde, Egypt, India and Ukraine had joined the sponsors.

79. *Draft resolution A/C.3/65/L.43/Rev.1, as orally revised, was adopted.*

The meeting rose at 5.20 p.m.

**General Assembly**

Sixty-fifth session

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Third Committee**Summary record of the 51st meeting**

Held at Headquarters, New York, on Tuesday, 23 November 2010, at 10 a.m.

Chairman: Mr. Tommo Monthe (Cameroon)**Contents****Agenda item 61: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)****Agenda item 64: Promotion and protection of the rights of children (*continued*)****Agenda item 67: Right of peoples to self-determination (*continued*)****Agenda item 106: International drug control (*continued*)****Agenda item 105: Crime prevention and criminal justice (*continued*)****Agenda item 27: Social development (*continued*)**

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The meeting was called to order at 10.15 a.m.

Agenda item 61: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (continued)

Draft resolution A/C.3/65/L.56: Assistance to refugees, returnees and displaced persons in Africa

1. **The Chair** said that he had been advised that the draft resolution had no programme budget implications.

2. **Ms. Sulimani** (Sierra Leone), speaking on behalf of the Group of African States, said that Belgium, Canada, Costa Rica, the Czech Republic, France, Germany, Greece, Ireland, Italy, Mexico, Spain and Serbia had joined the sponsors. The increase in budgetary allocations to provide assistance to refugees, mentioned in the report of the Secretary-General (A/65/324) was an indication of the collective will to combat refugee crises in Africa. The Kampala Convention was hailed as a landmark achievement with the potential to change the lives of internally displaced persons and refugees for the better. Her delegation reiterated the call in the text for the Office of the United Nations High Commissioner for Refugees to continue providing support so that countries could address the challenges they faced.

3. She read out a number of oral revisions to the text. In the third preambular paragraph, the words "and in this regard acknowledging the importance of preventing and responding to sexual and gender based violence" should be inserted after the word "abuse". The fourth preambular paragraph should be deleted and replaced with the clause "Acknowledging the efforts of member States, the United Nations High Commissioner for Refugees and other stakeholders in improving the situation of refugees and expressing grave concerns over the deteriorating living conditions in many refugee camps in Africa,". In the sixth preambular paragraph, the words "and the ongoing ratification process" should be added after the word "adoption". In the seventh preambular paragraph, after the word "appreciation", the words "the International Conference on the Great Lakes Region 2006" should be added. Finally, in paragraph 8, the words from the phrase "at its sixty-first session of its" to the end of the paragraph should be deleted and replaced with the words: "of the conclusion on protracted refugee

situations at the extraordinary meeting held on 8 December 2009 at its sixty-first session, as well as the conclusion on refugees with disabilities and other persons with disabilities protected and assisted by UNHCR at its sixty-first session held from 4 to 8 October 2010".

4. **Mr. Gustafik** (Secretary of the Committee) announced that Australia, Azerbaijan, Belgium, Belize, Brazil, Bulgaria, Burkina Faso, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, the former Yugoslav Republic of Macedonia, France, Germany, Honduras, Iceland, India, Japan, Latvia, Luxembourg, Malta, Mexico, Montenegro, Norway, Poland, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America had joined the sponsors.

5. *Draft resolution A/C.3/65/L.56, as orally revised, was adopted.*

Agenda item 64: Promotion and protection of the rights of children (continued)

Draft resolution A/C.3/65/L.21/Rev.1: Rights of the child

6. **The Chair** said that he had been advised that the draft resolution had no programme budget implications.

7. **Ms. Ortigosa** (Uruguay) said that Jordan, Liechtenstein, Mongolia and the United States of America had joined the sponsors. The draft resolution addressed the fact that all children, even very young ones, were entitled to full enjoyment of all rights provided for by the Convention on the Rights of the Child. Special protective measures for early childhood, a developmental phase essential to the realization of the rights of the child, in light of the fact that it encompassed 80 per cent of brain development and the fastest growth period in childhood, were therefore included in the resolution. The text also drew attention to poverty eradication and reduction of infant mortality.

8. **Ms. De Geest** (Belgium), speaking on behalf of the European Union, the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the Stabilization and Association Process countries Albania, Bosnia and Herzegovina, and Montenegro; and in addition, the Republic of Moldova and Ukraine, said that the text of the draft resolution had been vastly

improved in the previous two weeks over the course of lengthy negotiations. While not all concerns had been accommodated — a nearly impossible feat to achieve — attempts had been made to take into account all views.

9. **Mr. Gustafik** (Secretary of the Committee) announced that Angola, Azerbaijan, Bangladesh, Benin, Botswana, Cape Verde, Comoros, Egypt, Eritrea, Ethiopia, the former Yugoslav Republic of Macedonia, Gabon, Gambia, Georgia, Ghana, Israel, Kenya, Kyrgyzstan, Lesotho, Liberia, Madagascar, Malawi, Maldives, Morocco, Mozambique, Namibia, Philippines, Qatar, the Republic of Korea, the Russian Federation, Rwanda, San Marino, Senegal, South Africa, Swaziland, Timor-Leste, Tunisia, Ukraine and Zimbabwe had joined the sponsors.

10. *Draft resolution A/C.3/65/L.21/Rev.1, as orally revised, was adopted.*

11. **Mr. Sammis** (United States of America), speaking in explanation of position, said that his delegation had been pleased to sponsor the draft resolution. The United States of America continued domestic efforts to strengthen existing protections for children and pursue innovative ways to ensure that the rights of children were realized, often through cooperation with other countries. Investments in early childhood education — a key element in domestic policy — played an important role as well.

12. **Mr. Bené** (Observer for the Holy See), speaking in explanation of position, said that his delegation wished to point out that any resolution on child protection must be faithful to the Convention on the Rights of the Child, which was the international normative instrument in that area. Given that one of the fundamental principles of the Convention was respect for all children, born and unborn, it was dismaying that the draft resolution contained elements that attempted to introduce confusion in that regard. While the text called upon States to include many appropriate provisions for children in early childhood, including measures to improve pre- and postnatal care for mother and child, the introduction of the ambiguous term "sexual and reproductive health", to which the Holy See had consistently registered objections, was not found in the Convention and could be understood in a way which hindered the advancement of maternal and child health. It was also disconcerting that the resolution attempted to go beyond what was set forth in

the Convention with regard to the responsibility of parents for the upbringing and development of their children.

13. He expressed concern that the Committee on the Rights of the Child had gone beyond its mandate. The Committee must adhere to the traditional rules of interpretation of law, in particular to the 1969 Vienna Convention on the Law of Treaties; it risked undermining the international treaty system in the realm of human rights, where it had actively promoted an interpretation of international standards in a way that undermined the fundamental rationale of law: to protect life. The Committee's recommendation of studies on specific issues relating to child rights constituted private opinions that could not create any legally binding commitment. Moreover, any recommendations made by the Committee to States parties must be faithful to the text of the Convention and respect children, the primary role of parents, and the family, which was the basic unit of society. A resolution on children that introduced elements that ran counter to the Convention could not but cause States to question the reason for ratification of such international instruments.

14. **Ms. Halabl** (Syrian Arab Republic), speaking in explanation of position, said that her Government had joined consensus on the draft resolution, as it attached great importance to the rights of children and was making intense efforts at the national level to protect children and promote their development. Noting that the international community had failed to perform its duties towards children living under occupation, especially in the early childhood phase mentioned in the draft resolution, she highlighted the importance of demanding that the occupying Power must provide protection to children under occupation, in line with international commitments. Her delegation understood paragraph 43, which called for the provision of special support and assistance to children in early childhood who were suffering from discrimination or living under especially difficult circumstances to apply to children living under Israeli occupation. Similarly, her delegation supported the affirmation that provisions on children affected by armed conflict fully applied to children living under foreign occupation. Lastly, her Government reserved the right to interpret certain paragraphs of the draft resolution on the basis of its domestic legislation.

15. **Ms. Sapag** (Chile), speaking in explanation of position, said that her delegation was pleased that negotiations had permitted original language concerning early childhood, a topic barely addressed in previous omnibus resolutions, to be incorporated. In accordance with the World Conference on Early Childhood Care and Education held recently in Moscow, which had culminated in the adoption of the Moscow Framework for Action and Cooperation, the draft resolution marked a turning point in the process of incorporating early childhood into the work of the Committee and the United Nations system as a whole.

16. **The Chair** proposed that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Committee on the Rights of the Child (A/65/41) and the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/65/221).

17. *It was so decided.*

Agenda item 67: Right of peoples to self-determination (continued)

Draft resolution A/C.3/65/L.54/Rev.1: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

18. **The Chair** said that he had been advised that the draft resolution had no programme budget implications.

19. **Ms. Astiasarán Arias** (Cuba) said that the draft resolution emphasized the importance of strengthening the international legal framework that regulated the use, financing and training of mercenaries, bearing in mind the report of the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination. It was necessary to develop and negotiate tangible proposals to promote better protection of human rights, particularly the right of peoples to self-determination.

20. **Mr. Gustafik** (Secretary of the Committee) announced that India and Mali had joined the sponsors.

21. **Mr. Burniat** (Belgium), speaking in explanation of vote before the voting, on behalf of the European Union, the candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina,

Montenegro, Ukraine, the Republic of Moldova and Georgia, said that while the European Union shared many of the concerns about the dangers of mercenary activities that had been expressed in the reports of the Working Group on the use of mercenaries, it believed that neither the Third Committee nor the Human Rights Council were the proper forums in which to address such activities, which should not be tackled from the perspective of human rights violations and the threat to the right of peoples to self-determination. Furthermore, members of private military and security companies operating in foreign countries could not usually be considered to be mercenaries. The issue of their regulation interrelated with several branches of international law and was therefore not primarily a human rights question. For those reasons, the European Union would vote against the draft resolution, while remaining engaged in dialogue with interested States on ways to prevent the threats posed by mercenary activity in an appropriate forum.

22. **Mr. Vigny** (Switzerland), speaking in explanation of vote before the voting, said that Switzerland's commitment to better regulation of the activities of private military and security companies was demonstrated by its participation in drafting the Montreux Document on Private Military and Security Companies, which set forth a code of conduct for those companies' involvement in armed conflict and recalled related obligations of States under international human rights and humanitarian law.

23. Switzerland was not opposed to a dialogue between States on the negotiation of an instrument to better regulate the activities of private military and security companies. However, such a dialogue must be based on a broad international consensus. As the establishment of the intergovernmental working group did not enjoy such a consensus, Switzerland would abstain in the voting on the draft resolution.

24. *At the request of the United States of America, a recorded vote was taken on draft resolution A/C.3/65/L.54/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon,

Cape Verde, Chile, China, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Colombia, Côte d'Ivoire, Fiji, Liberia, Mexico, Switzerland.

25. *Draft resolution A/C.3/65/L.54/Rev.1 was adopted by 123 votes to 52, with 6 abstentions.*

26. **Mr. Díaz Bartolomé** (Argentina) said that his delegation supported the right to self-determination of people under continued colonial occupation. In that regard, the draft resolution should be interpreted in accordance with the relevant resolutions of the General Assembly and the Special Committee on decolonization. However, the exercise of the right to self-determination presupposed a population subject to colonial domination. In the special and particular case of the Malvinas Islands, all the resolutions of the General Assembly and the Special Committee recognized the issue as a sovereignty dispute between two parties, which could only be resolved through bilateral negotiations that took into account the interests of the Islands' inhabitants. The Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were illegitimately occupied by the United Kingdom, which had expelled the Islands' population and authorities and replaced them with its own subjects. The situation was therefore not a question of self-determination, but rather one of another principle of decolonization: territorial integrity.

27. **Mr. Lomax** (United Kingdom), speaking in exercise of the right of reply, said that the Government of the United Kingdom had no doubt as to its sovereignty over the Falkland Islands. There could be no negotiations on the issue until such time as the islanders so wished. His Government's position on the Falkland Islands was founded on the principle of self-determination, as set out in the Charter and the International Covenant on Civil and Political Rights. The United Kingdom maintained a modern relationship with its overseas territories based on shared values and the right of each territory to determine if it wished to retain a link to the United Kingdom. The democratically elected representatives of the Falkland Islands had recently expressed their own views on the issue to the Special Committee. They had asked the Committee to recognize their right to self-determination, clarified the historical fact that no civilian population had been removed at the time the Islands had been settled and affirmed that they did not want any change in the status of the Islands.

28. **Mr. Díaz Bartolomé** (Argentina), speaking in exercise of the right of reply, reiterated the statement made by the Minister for Foreign Affairs of Argentina to the Special Committee in June 2010. The Malvinas Islands, South Georgia Islands and South Sandwich

Islands and the surrounding maritime areas were an integral part of Argentina's territory and were illegitimately occupied by the United Kingdom. The issue had been widely recognized by international organizations as a sovereignty dispute between two States. He reaffirmed Argentina's legitimate right to sovereignty over the Islands as part of Argentine territory.

Agenda item 106: International drug control
(continued)

Draft resolution A/C.3/65/L.16/Rev.1: International cooperation against the world drug problem

29. **The Chair** said that the draft resolution had no programme budget implications.

30. **Mr. Sánchez Contreras** (Mexico) said that Belarus, Belize, Bolivia (Plurinational State of), Brazil, Costa Rica, Egypt, Germany, Ireland, Liechtenstein, Luxembourg, Mongolia, Montenegro, San Marino, Serbia, the United Republic of Tanzania and Tunisia had joined the sponsors. The large number of sponsors was indicative of an international consensus on the need for a comprehensive approach and innovative strategies to combat the world drug problem. He made a correction to the sixth preambular paragraph: the reference to "resolution 53/9," should be deleted and replaced with the words "the resolution".

31. **Mr. Gustafik** (Secretary of the Committee) announced that Antigua and Barbuda, Austria, Bahamas, Bangladesh, Barbados, Bosnia and Herzegovina, Botswana, Burkina Faso, Cape Verde, Congo, Croatia, Denmark, Greece, Grenada, Ghana, Guyana, Guinea-Bissau, Haiti, Indonesia, Jamaica, Kenya, Lao People's Democratic Republic, Lithuania, Malawi, Mauritania, Nigeria, Philippines, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Suriname, Swaziland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine and Zambia had joined the sponsors.

32. **Ms. Sapag** (Chile) said that during negotiations on the draft resolution, her delegation had made efforts to include specific references to the work of the United Nations Office on Drugs and Crime (UNODC) to mitigate stigma and discrimination against drug users and people living with HIV, including through its collaboration with Governments and the media to support effective drug treatment methods with a human rights perspective. In that regard, she was grateful for

the leading role the Mexican delegation had taken to include such language. While her delegation welcomed the inclusion of a reference to resolution 53/9 of the Commission on Narcotic Drugs, it hoped that future resolutions on the issue would include an explicit reference on the importance of addressing discrimination against drug users as part of a holistic approach to treatment and rehabilitation. For its part, the Chilean Government planned to launch a new national strategy on drugs that would include a special emphasis on the social integration of people dependent on drugs.

33. **Mr. Monterrey Suay** (El Salvador) said that the world drug problem had turned Central American countries into places of transit. In response, countries in the region, including Mexico, had adopted regional conventions to combat organized crime, drug trafficking and related problems, which had been based on international instruments, including the United Nations Convention on Transnational Organized Crime. Drug use had far-reaching consequences, ranging from violent crime and human trafficking to detrimental effects on public health and social development. In El Salvador, gangs had become an extension of organized crime networks that engaged in drug trafficking and extortion, and threatened public safety. The Government had been addressing the drug problem through the development of comprehensive drug treatment policy that covered prevention, rehabilitation and social reintegration. The draft resolution recognized the importance of international cooperation to addressing the urgent problems generated by illicit drugs, as they were indisputably transnational in nature.

34. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela), speaking in explanation of position, said that the world drug problem endangered the health and well-being of citizens and threatened the political stability of States. Current international efforts to reduce the availability of drugs of natural origin were far from the goals established in international conventions on the issue, including the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem. Her Government was concerned at the dramatic rise in the cultivation of illicit drugs, which was increasingly affecting the Bolivarian Republic of Venezuela and other transit countries. It therefore welcomed

paragraph 13 of the draft resolution, which urged Member States to cooperate with transit States affected by illicit drug trafficking. New strategies and policies were urgently required from the Commission on Narcotic Drugs in order to address the increased cultivation of illicit drugs. Her delegation had reservations about paragraph 14, as the Venezuelan Government did not recognize a systematic link between drug trafficking and other forms of transnational organized crime. Assuming such a connection denied the basic right to due process and the right to be presumed innocent. Any link between an act of terrorism and international crime should not be automatically or permanently assumed. Instead, any such connection must be dealt with on a case-by-case basis. Finally, the Commission on Narcotic Drugs should work to develop criteria and analyse information sources in order to make the statistics provided in its annual *World Drug Report* more reliable and transparent.

35. *Draft resolution L/16/Rev.1 was adopted, as orally revised.*

36. **Mr. Burnlat** (Belgium), speaking in explanation of position on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, and Montenegro; and, in addition, the Republic of Moldova and Ukraine, said that the European Union regretted that progress had not been made in including human rights issues in the draft resolution, including with regard to providing support for drug users. However, the European Union would continue to be engaged in international cooperation to address the world drug problem.

37. **Ms. Boissiere** (Trinidad and Tobago), speaking in explanation of position on behalf of the Caribbean Community (CARICOM), said that the members of CARICOM were satisfied that some of their concerns had been reflected in the draft resolution, in particular the impact of the illicit use, production and trafficking of narcotic drugs on children and youth; the importance of cross-border cooperation to assist transit States in addressing drug problems; and the fundamental role of UNODC in assisting States to combat the world drug problem. However, the financial situation of UNODC was of great concern. The region continued to suffer the consequences of budget constraints within the agency, including the closing of

its Caribbean office. She urged Member States to ensure that UNODC, which was an essential source of technical assistance to all countries, was provided with the appropriate resources to fulfil its responsibilities.

Agenda item 105: Crime prevention and criminal justice (continued)

Draft resolution A/C.3/65/L.15/Rev.1: Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

38. **Mr. Mogini** (Italy) said that Australia, Azerbaijan, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Cameroon, China, Ecuador, Egypt, Indonesia, Jordan, Kyrgyzstan, Mali, Micronesia (Federated States of), Mongolia, Morocco, Namibia, Netherlands, Nicaragua, Niger, Panama, the Republic of Korea, the Republic of Moldova, Russian Federation, Serbia, Sierra Leone, the Sudan, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, the United Republic of Tanzania and the United States of America had joined the sponsors. The Convention against Transnational Organized Crime and its Protocols were unprecedented instruments to respond to the threats to public safety, economic growth and social development posed by transnational organized crime. The draft resolution urged implementation of the Convention and sought to grant greater visibility to the fight against organized crime within the framework of United Nations activities. It also confirmed the support of Member States for UNODC technical assistance activities in the field. The text had been updated to address cases of connections between transnational organized crime and terrorism; recognize achievements of the sixty-fourth session of the General Assembly on crime issues; stress implementation of the new Global Plan of Action to Combat Trafficking in Persons; and acknowledge for the first time the issues of trafficking in cultural property and youth crime. The draft resolution also contained references to the financial needs of UNODC.

39. **Mr. Gustafik** (Secretary of the Committee) announced that Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Cape Verde, Comoros, Congo, Cuba, Gambia, Ghana, Grenada, Guinea-Bissau, Guyana, Haiti, Jamaica, Kenya, Lebanon, Lesotho, Liberia, Malawi, Malaysia, Mozambique, Nauru, Nigeria, Papua New Guinea, Paraguay, Philippines, Rwanda, Saint Kitts and Nevis, Saint

Lucia, Saint Vincent and the Grenadines, Sierra Leone, South Africa, Suriname, Swaziland, Trinidad and Tobago, Uganda, Zambia and Zimbabwe had joined as sponsors.

40. **Mr. Şen** (Turkey) said that his delegation was concerned about the errors contained in the report of the UNODC entitled *The Globalization of Crime — A Transnational Organized Crime Threat Assessment* and therefore disassociated itself from the eleventh preambular paragraph of the draft resolution. Those concerns had also been communicated to UNODC.

41. **Mr. Monterrey Suay** (El Salvador) said that his Government viewed transnational organized crime as a shared problem that must be confronted through a comprehensive approach which respected the principles of national sovereignty, territorial integrity and non-interference in the internal affairs of States. The development of effective justice systems, which should include mutual assistance among States, was a decisive component in the fight against drug trafficking. Like other Central American countries, El Salvador suffered the consequences of drug trafficking, including violence and transnational organized crime, and had borne enormous economic and social costs to combat that scourge. His country had played a leading role in strengthening the regional legal framework and had signed 12 bilateral agreements with Latin American countries to reduce the demand for and sale of drugs. The Government would continue to work on a bilateral and multilateral basis to exchange information and provide mutual assistance on legal issues. His delegation fully supported the draft resolution and urged the United Nations system to continue strengthening its crime prevention and criminal justice programmes and support UNODC.

42. *Draft resolution A/C.3/65/L.15/Rcv.1 was adopted.*

43. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela), speaking in explanation of position, said that her delegation had joined the consensus on the draft resolution, as it believed that the fight against transnational organized crime should be based on the principles of international cooperation and respect for State sovereignty. However, her delegation had reservations on several preambular paragraphs of the draft resolution, which made imprecise assertions without any sort of basis in international law. While her Government recognized the detrimental impact transnational organized crime could have on human

rights and the stability and development of States, it refuted the claims made in the twelfth preambular paragraph that such crimes had an effect on international peace and security. Those assertions contradicted the resolutions adopted by the Commission on Crime Prevention and Criminal Justice, which was the specialized organ of the United Nations on such issues.

44. The fourteenth preambular paragraph established a direct link between illicit trafficking in firearms, transnational organized crime and terrorism. The Bolivarian Republic of Venezuela did not recognize systematic links between types of crimes. Such assumptions ignored the universally recognized right to due process and right to be presumed innocent. Any link between an act of terrorism and international crime should not be automatically or permanently assumed. Instead, any such connection must be dealt with on a case-by-case basis.

45. Similarly, the seventeenth preambular paragraph of the draft resolution claimed that States' actions against transnational organized crime and terrorism were a shared responsibility. No such responsibility was to be found in any of the 16 international instruments regarding the fight against terrorism, nor in any such regional instrument. Indeed, without an internationally agreed definition of the terms "terrorism" and "State terrorism", it was impossible to speak of a shared responsibility against it. Her Government was committed to fulfilling the obligations it had assumed to combat terrorism, including by providing mutual legal assistance and extraditing any person involved in terrorist acts. However, the paragraph in question irresponsibly distorted the language of the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice, which did not establish shared obligations, but rather affirmed Member States' readiness to improve international cooperation in the fight against terrorism "in a spirit of common and shared responsibility". Furthermore, the number of references to terrorism in the draft resolution went beyond its alleged scope, as the issue of terrorism was more appropriate to the work of the Sixth Committee. She recalled that the mandate of UNODC on terrorism-related issues was limited to providing assistance to States on implementing international instruments on the issue.

46. The Commission on Crime Prevention and Criminal Justice must, as a matter of priority, develop

objective criteria on the collection, use and dissemination of the information it supplied in order to improve the transparency and reliability of the data and information published by UNODC in its reports. In that regard, her delegation rejected the contents of the eleventh preambular paragraph, which took note of a recent UNODC report.

47. **Ms. Bolssiere** (Trinidad and Tobago), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM Member States appreciated the inclusion of concerns of great importance to the region, including references to prevention of youth crime, measures to address illicit trafficking in small arms and light weapons and the significant role of UNODC in the fight against transnational organized crime and drug trafficking. In light of the increasing demand for the services of the United Nations Crime Prevention and Criminal Justice Programme and the acute needs for provision of assistance to developing countries, she reiterated strong concern about the financial situation of UNODC. CARICOM had hoped for a stronger demonstration of support by Member States for the request to the Secretary-General to submit proposals to ensure sufficient resources for UNODC in the budget for 2012-2013. While CARICOM States had undertaken initiatives at the national level, combating organized crime required concerted action at the international level. She therefore welcomed the large number of sponsors of the draft resolution.

48. **The Chair** proposed that the Committee should take note of the reports of the Secretary-General entitled: "Assistance in implementing the international conventions and protocols related to terrorism" (A/65/91); "Improving the coordination of efforts against trafficking in persons" (A/65/113); and "Twelfth United Nations Congress on Crime Prevention and Criminal Justice" (A/65/92).

49. *It was so decided.*

Agenda item 27: Social development (continued)

50. **The Chair** suggested that the Committee should take note of the report of the Secretary-General entitled "Comprehensive study on the impact of the converging world crises on social development" (A/65/174).

51. *It was so decided.*

The meeting rose at 12.20 p.m.



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Summary record of the 52nd meeting

Held at Headquarters, New York, on Tuesday, 23 November 2010, at 3 p.m.

Chair: Mr. Tommo Monthe (Cameroon)

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Agenda item 118: Revitalization of the work of the General Assembly

Completion of the work of the Third Committee

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The meeting was called to order at 3.40 p.m.

Agenda item 68: Promotion and protection of human rights (continued)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued)

Draft resolution A/C.3/65/L.46/Rev.1: Combating defamation of religions

1. **The Chair** said that the draft resolution had no programme budget implications.

2. **Mr. Loulichki** (Morocco), speaking on behalf of the Organization of the Islamic Conference, as well as the Bolivarian Republic of Venezuela and Belarus, introducing draft resolution A/C.3/65/L.46/Rev.1, said that the text aimed to address the disturbing increase in racist violence and manifestations of xenophobia around the world, which were a matter for serious concern. In certain cases, national policies stigmatized groups of people belonging to certain religions or belief systems, which legitimized discrimination and impaired the ability of those people to enjoy their rights to freedom of thought, conscience and religion.

3. The Organization believed that all rights were universal, indivisible, interdependent and interrelated, as stated in the Vienna Declaration and Programme of Action. However, unrestricted and disrespectful freedom of opinion fostered hatred and ran counter to the spirit of peaceful dialogue and the promotion of multiculturalism. Article 19 of the International Covenant on Civil and Political Rights, which provided for freedom of opinion, itself acknowledged that it could be subjected to certain restrictions, and article 20 went on to suggest the prohibition of any advocacy of racial or religious hatred.

4. While freedom of expression was one of the cornerstones of any democratic society, the foundations of such a society also needed guarantees for the respect of the rights of others, to ensure the necessary balance between all human rights and fundamental freedoms. Adopting measures to ensure respect for the right to non-discrimination on any basis, as provided for in international human rights law, was essential to building and maintaining a healthy society. The international community had repeatedly reaffirmed that racism was incompatible with democracy. Acts of

incitement to religious hatred violated, inter alia, the Charter of the United Nations, the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, and Security Council resolution 1624 (2005).

5. The Organization of the Islamic Conference had conducted three rounds of informal consultations on the draft resolution and organized several meetings with individual partners and regional groups. After considering all proposals, a revised text had been tabled. The sponsors had hoped to hold a constructive dialogue in order to consolidate international efforts and reach consensus, and remained determined to continue in those endeavours.

6. The revised draft of the resolution stressed that the vilification of any religion was a serious affront to human dignity, restricting the freedom of religion of its adherents and inciting religious hatred and violence. It called for the prohibition of all such deplorable acts against all religions; the fact that Islam was currently the focus of such acts did not preclude the possibility that other religions and their adherents could be targeted in the future.

7. All States had agreed in the United Nations Global Counter-Terrorism Strategy that terrorism could not and should not be associated with any religion, nationality, civilization or ethnic group. They had also agreed to promote a culture of peace and respect for all religions, religious values, beliefs or cultures, and to prevent the defamation of religions. States had reaffirmed their commitment to implementing the Strategy in all its aspects and in an integrated manner in General Assembly resolution 62/272. It was also pertinent to recall that a resolution entitled "combating defamation of religions" had been adopted by consensus in both 1999 and 2000.

8. In an effort to show a sign of compromise, the references to the concept of "defamation" had been reduced and/or replaced with that of "vilification". The draft embarked on a new approach by identifying the problem, highlighting its gravity and broad-ranging negative consequences and calling for cooperation at all levels to tackle it, within the framework of existing internationally agreed human rights instruments. Several delegations had indicated that they would support the draft if it dealt with all religions. The text had been amended accordingly, so he urged those

delegations to fulfil their pledges by supporting the resolution.

9. He urged all Member States to demonstrate a higher degree of sensitivity to the repeated requests by a growing number of Members to address the abuse of freedom of expression to insult religions and their followers. The human rights bodies should respond to that emerging phenomenon in order to preserve the credibility of the system and affirm the universal and interrelated nature of all human rights.

10. Mr. Nihon (Belgium), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Montenegro and Serbia; and, in addition, the Republic of Moldova and Ukraine, said that the European Union continued to believe strongly in tolerance, non-discrimination and freedom of expression, thought and religion or belief and was convinced that a continuing dialogue on those issues could help overcome existing differences of opinion. They shared the concern about the victimization of people all over the world due to their religion or belief. Efforts needed to be increased to eliminate religious intolerance, including by ensuring that legal systems provided adequate and effective guarantees of freedom of thought, conscience, religion and belief to all, without distinction.

11. However, the European Union could not agree with an approach that promoted the establishment of a normative human rights concept to protect religions in response to such concerns. The concept of "defamation", or indeed of "vilification", was inconsistent with international human rights law, which protected individuals in the exercise of their freedoms and did not, nor should not, protect religions, which should not be viewed as homogenous entities. The change in vocabulary in the text had not dispelled those concerns. In addition, as in previous years, several Special Rapporteurs had again highlighted the need to address the concerns underlying the resolution within the context of the established international legal framework provided by the International Covenant on Civil and Political Rights.

12. The concept of "defamation" or "vilification" of religions risked seriously limiting the rights to freedom of expression and of religion or belief, and endangered the very openness and tolerance that allowed people of

different faiths to coexist and practice their faiths without fear. Such limitations, or equally inadmissible so-called blasphemy laws, would not address the concerns behind the resolution. Instead, the solution lay in the exercise of the right to free speech and an open discussion of the relevant questions. Prohibition of incitement to religious hatred was already adequately addressed in article 20.2 of the Covenant.

13. The European Union condemned instances of discrimination and intolerance against any individual on the grounds of religion and had repeatedly expressed its resolve to fight such phenomena. He urged all States to show similar openness and determination in dealing with their related challenges.

14. Despite continuing serious concerns over the substance of the resolution, the European Union sincerely appreciated the efforts of the delegation of Morocco to look beyond the text as traditionally tabled. The European Union remained willing to engage with all interested partners seeking to address the underlying concern about intolerance and would support initiatives seeking to address the issue on the basis of international law.

15. As a result of the concerns it had expressed, the European Union was calling for a recorded vote on the draft resolution and would be voting against it.

16. Mr. Sammis (United States of America) said that, as it had done in the past, his country would vote against the draft resolution. The United States had participated in discussions in an effort to find cross-regional solutions to the problems of religious intolerance and hatred, and shared the sponsors' deep concern about the proliferation of discrimination and the targeting of individuals based on their religion. The goal had always been to find common ground sufficient to overcome differences and negotiate a resolution that could be adopted by consensus.

17. People could either choose to be defined by their differences, giving in to a future of suspicion and mistrust, or to forge common ground and commit to the steady pursuit of progress. The United States was committed to progress. The changes that had been made to the resolution and the openness to discussion were welcome, but despite those efforts the text still seemed to further highlight the differences of opinion rather than helping to bridge the historical divides. The changes made to the text did not address the heart of the concerns — the resolution's negative implications

for freedom of religion and freedom of expression. The text also continued to refer to the problematic concept of defamation, excluded many religions or belief systems and equated defamation to a human rights violation or incitement. It was important to remember that human rights were held by individuals, not by governments, institutions or religions, and the language of the resolution should reflect that.

18. The United States looked forward to continuing to work with the Organization of the Islamic Conference and others to find an action-oriented approach that could combat religious intolerance while not penalizing those who exercised their freedom of speech or religion. The necessary negotiations among groups would take time and required patience and understanding from all sides.

19. *Ms. Fontana* (Switzerland) said that her country opposed the explicit recognition at the international level of the concept of defamation of religions as a form of racism, since racism had hitherto not included a religious element. Switzerland also believed that human rights existed to protect individuals, not religions or other belief systems. Existing international instruments — in particular articles 18, 19 and 20 of the International Covenant on Civil and Political Rights — provided sufficient protection against incitement to religious hatred.

20. While her delegation appreciated the efforts that had been made by the Organization of the Islamic Conference, the changes that had been made to the text had not responded to their main concerns. The term "vilification" was simply a synonym of "defamation". The link between religion and racism had remained intact, and religions rather than individuals remained the focus of the resolution. For those reasons, Switzerland would again vote against the draft resolution.

21. *At the request of Belgium, a recorded vote was taken on draft resolution A/C.3/65/L.46/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, Cambodia, China, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Guyana, Indonesia, Iran (Islamic Republic of),

Iraq, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia.

Abstaining:

Albania, Antigua and Barbuda, Armenia, Barbados, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Cameroon, Cape Verde, Colombia, Congo, Costa Rica, Democratic Republic of the Congo, Ecuador, Gabon, Ghana, Grenada, Guatemala, Haiti, Honduras, India, Jamaica, Japan, Kenya, Lesotho, Liberia, Malawi, Mauritius, Mongolia, Nepal, Paraguay, Peru, Rwanda, Saint Kitts and Nevis, Trinidad and Tobago, Tuvalu, United Republic of Tanzania, Vanuatu.

22. *Draft resolution A/C.3/65/L.46/Rev.1 was adopted by 76 votes to 64, with 42 abstentions.*

23. Mr. de Séllos (Brazil) said that his delegation had chosen to abstain in the voting on the draft resolution. While the draft included several positive elements on combating discrimination and hatred based on religion or belief and promoted dialogue among civilizations and beliefs, it also still contained elements that conflicted with international law, preventing its acceptance by Brazil.

24. In the context of international human rights law, the concept of "defamation" or "vilification" of religions was not applicable to the protection of a religion in itself, but rather to the protection of an individual's right freely to profess that religion or not, or indeed to convert to another, without any limitation being imposed by the State. International law did not prohibit defamation of a religion, but rather incitement to discrimination, hatred or violence for religious motives, among others, in accordance with article 19, paragraph 3, and article 20, paragraph 2, of the International Covenant on Civil and Political Rights.

25. He recalled that the current Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, as well as his predecessor, had advised replacing the sociological concept of defamation of religions with the juridical concept of incitement to national, racial or religious hatred. Paragraph 13 of the outcome document of the Durban Review Conference represented a good balance by reaffirming the importance of freedom of expression while also highlighting that it was crucial to curb discourse based on hatred.

26. Brazil protected religious freedom and recognized the importance of intercultural and interfaith dialogue in politics. Having a secular State did not mean restricting the free religious manifestations of individuals or communities, but instead guaranteed that freedom. Brazil was proud of its multicultural, multiracial and multireligious society and, in that regard, was honoured to have hosted the third Global Forum of the Alliance of Civilizations.

27. Brazil recognized and was saddened by the acts of intolerance and incitation to religious and ethnic hatred that Muslims were suffering around the world. It was, however, important to note that members of other religions were also affected by similar phenomena, including in Islamic countries.

28. Mr. Soares (United Kingdom) said that his delegation had voted against the draft resolution and wished to stress its unease with the introduction of the term "Judeophobia", which was a deviation from the standard terminology: "anti-Semitism". The distinction between the two terms was unclear and there had not been sufficient time to consider the potential implications — the term could perhaps be perceived as offensive by the individuals concerned and might have an undertone of the very discrimination that the United Nations had committed to tackle.

29. Mr. Chin (Singapore) said that his delegation had voted for the resolution, on the understanding that it would apply to all religions. Singapore was a multiracial and multireligious city-state and as such it was critical to ensure that the diversity of races, religions and cultures did not become a source of misunderstanding or friction. The exercise of the right to free speech must not be at the expense of others, but must be balanced with responsibility and accountability. Defamation bred intolerance and distrust and undermined social cohesion, so had no place in society. Intolerance and ignorance must be opposed, and understanding and respect encouraged.

30. Ms. Taracena Secalra (Guatemala) drew attention to the information about her country's commitment to combat intolerance and discrimination on the basis of religion or belief included in the report of the Secretary-General on combating defamation of religions (A/65/263). Protections were enshrined in the country's political Constitution and in the 1996 Peace Agreements, in particular the Agreement on the Identity and Rights of Indigenous Peoples. Guatemala condemned all acts of defamation, incitation or provocation — terms which were not at all synonymous — against any religion, particularly at a time when there had been demonstrations of the tension and intolerance that could arise around certain religious symbols, even in economically advanced, democratic countries.

31. That being said, there was merit in the arguments being made against the draft resolution. International human rights case law focused on individuals rather than belief systems. In addition, it was possible that efforts to combat defamation of religions might curtail the right to freedom of expression.

32. For those reasons, as it had done in previous years, Guatemala had chosen to abstain in the voting.

33. **Mr. Bené** (Observer for the Holy See) said that his delegation welcomed the efforts of the sponsors to move away from the concept of defamation, which remained an unclear legal term in the current human rights framework. Further efforts could be made during future negotiations to address the important issues contained in the resolution while also ensuring respect for the balance between freedom of expression and the right of people to practice their faith free of discrimination. The most effective way of ensuring that all people were able to exercise their freedom of religion or belief was through an obligation to respect that right.

34. The Holy See remained concerned that implementation of the concept of defamation had given rise to national legislation that undermined the fundamental right to freedom of religion and conscience, particularly for members of religious minority groups. It thus called on all States to ensure full respect for the human dignity and fundamental rights of all.

35. **Mr. Loulichki** (Morocco) welcomed the adoption of the resolution, stressing that it was responding to a real need. The intensity of the debate on the issue itself demonstrated its importance. He recognized that there were fundamental differences in approach which could not be overcome in one session, but efforts must and would continue.

36. Tolerance and respect for human rights were shared parameters on which to build. The Organization of the Islamic Conference had made compromises and amended the text in an effort to reach consensus. Unfortunately, there had been no encouraging sign from its partners in return. Rather than simply presenting an identical resolution or making their support for other similar resolutions conditional on reciprocal support, the Organization had been determined to listen to the concerns that had been expressed and had presented a truly amended resolution. It would return with the same determination and openness the following year and hoped to arrive at language that was agreeable for all.

Draft resolution A/C.3/65/L.33/Rev.1: Programme of activities of the International Year for People of African Descent

37. **Mr. Osorio** (Colombia), introducing the draft resolution, announced that Grenada, Guyana, Paraguay

and the Bolivarian Republic of Venezuela had joined the sponsors.

38. The text before the Committee stemmed from States' intention to undertake activities, in the context of the International Year for People of African Descent, that would have a positive impact on their economic, social, cultural, civil and political rights. The activities aimed to promote greater awareness of and respect for diversity and integration of those interests into the international agenda. The United Nations system would be involved in the proposed activities in a coordinating and unifying role.

39. He introduced several amendments to the text. In paragraph 2, the words "Takes note with appreciation of" would be replaced with the word "Welcomes", and the words "bearing in mind" would be introduced later in the paragraph, replacing the word "of" before the reference to the recommendation contained in the report of the Working Group of Experts on People of African Descent. Additional text would be added at the end of paragraph 4 to read: "with the participation of the Chair of the Working Group of Experts on People of African Descent, the Chair of the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, a representative of people of African descent, civil society and relevant stakeholders". Lastly, in paragraph 7, the words "and, as a guideline," were to be replaced with the words "as well as".

40. **Mr. Gustafik** (Secretary of the Committee) said that the following countries had joined the sponsors: Antigua and Barbuda, Haiti, India, Jamaica, Niger and Nigeria.

41. **Mr. Mashabane** (South Africa) expressed his thanks to the leadership of the Group of African States for their work to achieve consensus, and to the sponsors of the resolution for their flexibility in dealing with the group's concerns. As a result, he withdrew the proposed amendments to the draft resolution contained in document A/C.3/65/L.67.

42. **Mr. Gustafik** (Secretary of the Committee) made a statement of programme budget implications. Referring to paragraphs 4, 8 and 9 of the draft resolution, he said that should the draft resolution be adopted, total additional resource requirements of \$58,200 would arise, with regard to its paragraph 4: (i) under section 2, General Assembly and Economic

and Social Council affairs and Conference Management for conference-servicing for the holding of the one-day high-level debate in 2011 (\$22,500); (ii) under section 23, Human rights, for travel to participate in the one-day event of the Chair of the Working Group of Experts on People of African Descent, the Chair of the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, a representative of people of African descent (\$29,200); and under section 28D, Office of Central Support Services for conference support services, such as sound engineering (\$6,500).

43. The terms of paragraph 8 were expected to give rise to total additional requirements of \$14,600 for conference services, for the opening ceremony on 10 December 2010, anticipated to be held for a half day: (i) under section 2, General Assembly and Economic and Social Council affairs and Conference Management (\$11,300); and (ii) under section 28D, Office of Central Support Services for conference support services such as sound engineering (\$3,300). The opening ceremony was not expected to generate any additional requirements under section 23, Human rights, as they would fall within provisions for events that had already been planned.

44. The estimated additional requirements, which amounted to \$72,800, were proposed to be met within the programme budget for the biennium 2010-2011 under sections 2, 23 and 28D. Furthermore, the Secretary-General would, to the extent possible, implement the terms contained in paragraph 9 of the draft resolution.

45. *Draft resolution A/C.3/65/L.33/Rev.1, as orally revised, was adopted.*

46. Mr. Burniat (Belgium), speaking on behalf of the European Union, said that, despite its doubts about the effectiveness of international decades, years and days, the European Union was committed to the full enjoyment of human rights by persons of African descent. However, all victims of racism and discrimination deserved the same protection; any suggestion of a hierarchy between those victims should be avoided, as that also risked creating new forms of racism. It was crucial to adopt a global and universal approach in the fight against racism and initiatives supported by the Office of the High Commissioner for

Human Rights should not be restricted to one ethnic group.

47. The draft resolution, as tabled, had accommodated the concerns of the delegations which had been involved in the informal negotiations on its text. The European Union deeply regretted the fact that, by proposing amendments that had already been thoroughly discussed, one delegation had tried to renegotiate the compromise text. While certain oral amendments were in line with the spirit of the balanced text that had originally been agreed on, the European Union wished to underline the fact that it could only accept the revised wording of paragraph 4 on the understanding that the related programme budget implications would be drawn from existing resources.

48. Ms. Murillo (Costa Rica) expressed her country's satisfaction that the resolution had been adopted by consensus.

49. Ms. Brichta (Brazil) said that her country welcomed the adoption by consensus of the draft resolution. The International Year symbolized the political will of the international community to address the specific challenges that people of African descent faced in their efforts to fully enjoy their human rights. The draft resolution was of particular significance to her country as approximately 100 million Brazilians were of African descent.

50. *The meeting was suspended at 3.15 p.m. and resumed at 5.35 p.m.*

Agenda item 66: Elimination of racism, racial discrimination, xenophobia and related intolerance
(continued)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (continued)

Draft resolution A/C.3/65/L.60: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

51. Mr. Al-Shami (Yemen), speaking on behalf of the Group of 77 and China and reading out oral amendments to draft resolution A/C.3/65/L.60, said that in paragraph 1, the words "World Conference" should be replaced with "Durban Declaration and Programme of Action". In the phrase "their full and

effective implementation", the word "their" should be replaced with "its".

52. The third, fourth and fifth preambular paragraphs should be deleted and replaced with the following paragraph: "*Recalling* its resolution 64/148 of 26 March 2010 which, amongst others, called for the 10th Year Commemoration of the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), which represents an important opportunity for the international community to reaffirm its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, including by mobilizing political will at the national, regional and international level aimed at generating concrete results."

53. In the seventh preambular paragraph, the phrase "and deeply regretting the slow progress made in discharging its mandate" should be replaced with the phrase "and encourages the Committee to continue making progress in the discharge of its mandate". The twelfth and thirteenth preambular paragraphs should be deleted.

54. A new fifteenth preambular paragraph bis should be added, to read: "*Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference".

55. In the seventeenth preambular paragraph, after the word "recognizing" the words "the continuing" should be inserted. The words "her office" should be replaced with "the office". In the eighteenth preambular paragraph, the phrase "also the conclusions and recommendations" should be deleted. At the end of the paragraph, the following phrase should be added: "and looks forward to the Human Rights Council's consideration of those conclusions and recommendations".

56. In the twentieth preambular paragraph, the word "recent" should be inserted before the word "hosting". The words "and 2014" should be deleted. Between the words "in South Africa and" and the words "in Brazil", the following phrase should be inserted: "looking forward to the forthcoming 2014 International Federation of Association Football World Cup". The word "respectively" should be deleted.

57. At the end of paragraph 3, the following phrase should be added: "and the outcome document of the Durban Review Conference". At the end of paragraph 4, the following phrase should be added: "recognizing that combating racism, racial discrimination, xenophobia and related intolerance is a primary responsibility of States". In paragraph 5, after the words "which include, inter alia", the phrase "incitement to such hatred, racial profiling" should be replaced with the phrase "xenophobia, racial profiling, incitement to racial, ethnic or religious hatred".

58. In paragraph 8, the words "other related" should be deleted. After the word "grounds", the following phrase should be inserted: "specified in the Durban Declaration and Programme of Action". At the end of the paragraph, the words "or other status" should be deleted. At the end of the paragraph, the following phrase should be added: "and the outcome document of the Durban Review Conference".

59. In paragraph 23, after the words "Member States to", the phrase "do their utmost to" should be inserted. In paragraph 25, after the words "Special Rapporteur", the following phrase should be inserted: "on contemporary forms of racism, racial discrimination, xenophobia and related intolerance". In paragraph 29, the word "closer" should be replaced with "the close".

60. In paragraph 30, the word "*Urges*" should be replaced with "*Requests*". In the same paragraph, and again in paragraph 31, the words "continue to" should be inserted before the word "provide". In paragraph 32, after the words "the Special Rapporteur", the phrase "within his mandate," should be inserted. The phrase "by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees" should be deleted.

61. In paragraph 34, after the word "education", the following phrase should be inserted: "including human rights education and learning.". In paragraph 35, the word "closely" should be deleted. The phrase "so that this concept will not be" should be replaced with the phrase "with a view to preventing it from being". In paragraph 36, the words "this regard" should be replaced with "combating racism, racial discrimination, xenophobia and related intolerance".

62. In paragraph 37, after the words "human rights training", the following phrase should be inserted: "including on challenges of racism, racial discrimination, xenophobia and related intolerance".

faced by migrants, refugees and asylum-seekers". In paragraph 38, the words "the concerned" should be replaced with "those concerned".

63. At the end of paragraph 45, the following phrase should be added: "and the outcome document of the Durban Review Conference". Paragraphs 49 and 50 should be deleted and replaced with the following new paragraph: "*Decides* to hold a one-day high-level meeting of the General Assembly to commemorate the Tenth Anniversary of the Adoption of the Durban Declaration and Programme of Action, at the level of heads of States and governments, on the second day of the general debate of the sixty-sixth session of the General Assembly, under the theme 'Victims of racism, racial discrimination, xenophobia and related intolerances: recognition, justice and development', consisting of an opening plenary, consecutive round tables/thematic panels and a closing plenary meeting; and calls on the President of the General Assembly to appoint co-facilitators to conduct consultations on the scope, modalities, format and organization of the high-level meeting".

64. In paragraph 51, the word "political" should be inserted after the words "short and concise". After the words "political will", the words "at the national, regional and international levels" should be inserted. The phrase "the outcome of the 2009 Durban Review Conference" should be replaced with the words "its follow-up processes".

65. In paragraph 55, after the words "Programme of Action", the phrase "and the Outcome Document of the Durban Review Conference" should be inserted. Paragraph 61 should be deleted.

66. Paragraph 62 should be replaced with the following text: "*Calls upon* the Human Rights Council to ensure that upon the consideration and adoption of the conclusions and recommendations of the Intergovernmental Working Group for the Effective Implementation of the Durban Declaration and Programme of Action, the recommendations are brought to the attention of the relevant agencies for adoption and implementation within their respective mandates".

67. Paragraph 63 should be replaced with the following text: "*Encourages* the High Commissioner for Human Rights to continue mainstreaming the implementation of the Durban Declaration and Programme of Action in the whole United Nations

system, and in accordance with paragraphs 136 and 137 of the outcome document, which calls for the establishment of the inter-agency task force to update the Human Rights Council in this regard;".

68. In paragraph 65, before the word "provide", the words "continue to" should be inserted.

69. Paragraph 66 should be replaced with the following text: "*Recalls* the request to the Human Rights Council to consider necessary measures to enhance the effectiveness of the follow-up mechanisms to the Durban Declaration and Programme of Action and to ensure better synergy and complementarities in the work of these mechanisms and looks forward to the discussions with a view to enhance the interface among and focus of follow-up mechanisms with a view to achieve greater synchronization and coordination at all levels, within their respective mandates, including through restructuring and reorganization of their work if deemed appropriate by the Human Rights Council, and to allow joint discussions and meetings".

70. In paragraph 69, the word "reverse" should be replaced with "end". Paragraph 72 should be deleted. In paragraph 74, after the words "Programme of Action", the phrase "and the outcome document of the Durban Review Conference" should be inserted.

71. Mr. Gustaflik (Secretary of the Committee), after seeking clarification from the budget division, said that in view of the revisions made to the draft resolution, the Budget Division would need to review any programme budget implications arising therefrom and would express itself on that matter before the draft resolution was submitted to the General Assembly plenary for final action. Any statement made by the Budget Division would be made available under rule 153 of the rules of procedure.

72. The Chair invited the Committee to take action on the draft resolution. Member States would be advised of any programme budget implications before final action on the draft resolution was taken in the General Assembly plenary.

73. Mr. Gustaflik (Secretary of the Committee) said that Kazakhstan and the Russian Federation had joined the sponsors.

74. Ms. Geossens (Belgium), speaking on behalf of the European Union, said that the International Convention on the Elimination of All Forms of Racial Discrimination should remain the basis for all efforts to

combat racism, racial discrimination, xenophobia and related intolerance. The European Union was convinced that the General Assembly must play a role in promoting tangible improvements on the ground, had negotiated in good faith on the draft resolution and had tabled amendments that aimed to re-establish a clear focus on the necessary fight against racism, ensure conformity with international law and underline the European Union's commitment to protecting all individuals from racism, regardless of the group or community they belonged to. The European Union regretted the fact that hardly any of its concerns had been addressed and that it would be compelled to vote against the draft resolution.

75. The commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action should not be merely celebratory in nature, but should aim to achieve tangible results. It should not, moreover, distract attention or resources from the fight against racism. The European Union was concerned by the lack of reassurances from the main sponsors in that regard and had reservations about the proposed day and theme, as well as the reference to a political declaration which had been proposed at a very late stage in the negotiations. The European Union did not believe that new international legal norms were required; the fight against racism and discrimination should take place within the existing international legal framework. It was regrettable that the draft resolution prejudged the outcome of the follow-up to the Durban Declaration and Programme of Action by the Human Rights Council. The list of contemporary forms and manifestations of racism in the new paragraph 5 was not based on legal grounds and the European Union could not agree with paragraphs 9 and 12, as racism and its related challenges needed to be fought while respecting other human rights and fundamental freedoms.

76. The draft resolution failed to refer to the obligations of States under international law, and did not recognize the positive role that freedom of expression could play in combating racism, racial discrimination, xenophobia and related intolerance. The European Union regretted the selective reference to groups and communities and believed that all individuals, regardless of their ethnicity, religion or community, should be protected against racism and discrimination. Furthermore, the financial implications of the amended operative paragraphs 49 and 50 in the new draft resolution were unclear.

77. **Mr. Vigny** (Switzerland), also speaking on behalf of Iceland, Liechtenstein, New Zealand and Norway, said that those countries had participated in negotiations on the draft resolution in good faith but a lack of time and an unsatisfactory process had not allowed more common ground to be found. Although many of those countries' concerns had been taken into account in the draft resolution, it still contained issues of grave concern which would compel them to abstain in the vote. The draft resolution was inconsistent with international humanitarian law, including articles 18, 19 and 20 of the International Covenant on Civil and Political Rights. The political declaration to be adopted at the proposed high-level meeting, only a year after the Durban Review Conference outcome document, was unnecessary. The draft resolution also created a hierarchy between different groups and communities and did not make consistent reference to individual members of groups, even though, under international human rights law, it was individuals who were rights-holders. The draft resolution failed to highlight States' obligations at the national level to implement international legal instruments in the fight against racism. It was most regrettable that the international community had not yet been able to reach consensus on the question of all forms of racism, racial discrimination, xenophobia and related intolerance.

78. **Ms. Furman** (Israel) said that her country had always been willing to collaborate with other States to combat racism, racial discrimination, xenophobia and related intolerance. Although the draft resolution contained positive elements, neither Israel nor the entire membership of the United Nations could forget what had happened at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which had been hijacked for the purpose of demonizing Israel, and at the Durban Review Conference. Israel was concerned that the tenth anniversary of the Durban Declaration and Programme of Action would likewise be derailed for political purposes. Israel would therefore vote against the draft resolution and had called for a recorded vote to be taken.

79. **Mr. Sammis** (United States of America) said that his country remained committed to engaging in an ongoing thoughtful dialogue to effectively combat racism. It remained deeply concerned by speech that advocated national, racial or religious hatred. Based on its own experience, the United States was convinced

that the best antidote to offensive speech was a combination of robust legal protection against discrimination and hate crimes, proactive Government outreach to racial and religious groups and the vigorous defence of freedom of expression. Although the United States would continue to engage with other countries to promote freedom of expression and to combat all forms of racism and racial discrimination, elements contained in the draft resolution compelled it to vote against the draft resolution.

80. It was, moreover, deeply troubling that the tenth anniversary commemorative event would be held in New York shortly after the tenth anniversary of the attacks of 11 September 2001; a repeat of the vitriol that had occurred at previous Durban-related events risked undermining the United States' relationship with the United Nations.

81. Mr. Schaper (The Netherlands) expressed his dismay that a series of substantive amendments to the draft resolution had been introduced at the last moment by its main sponsors, who had thus demonstrated a fundamental disrespect for other delegations.

82. The principle of non-discrimination was a cornerstone of the human rights system and was enshrined in the Constitution of the Netherlands. Furthermore, his country had enacted numerous measures at the national and international levels to combat racism and protect minorities. In that connection, the international community must not be distracted by efforts to promote other agendas. The Durban Declaration and Programme of Action as well as the Durban Review Conference had elevated the protection of religion above the protection and promotion of human rights by placing unnecessary restrictions on freedom of expression, by ignoring discrimination based on sexual orientation and by implicitly singling out one country. The Netherlands was obliged to vote against the draft resolution as it could not support any resolution that expressed unconditional support for the Durban Review Conference and its declarations.

83. *At the request of Israel, a recorded vote was taken on draft resolution A/C.3/65/L.60.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil,

Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Germany, Israel, Italy, Latvia, Lithuania, Marshall Islands, Netherlands, Poland, Romania, San Marino, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Finland, France, Georgia, Greece, Hungary, Iceland, Ireland, Japan, Liechtenstein, Luxembourg, Malta, Monaco, Montenegro, New Zealand, Norway, Papua New Guinea, Portugal, Republic of Korea, Republic of Moldova, Samoa, Serbia, Slovakia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine.

84. *Draft resolution A/C.3/65/L.60 was adopted by 121 votes to 19, with 35 abstentions.*

85. **Mr. Mashabane** (South Africa) said that contrary to what several delegations had said, attempts had been made on several occasions to accommodate all stakeholders. Almost all of the oral amendments to the draft text had been intended for that purpose. The Group of 77 and China had consistently sought to take into account all views, while knowing that some Member States would inevitably vote against the draft resolution. The lack of consensus was unfortunate, and should not create the impression that the Group of 77 and China was anything other than a willing partner in the fight against racism.

86. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the note by the Secretary-General transmitting the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/65/295) and the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/65/377).

87. *It was so decided.*

Agenda item 68: Promotion and protection of human rights (continued)

(a) Implementation of human rights instruments (continued) (A/65/40, A/65/44, A/65/94, A/65/190, A/65/317 and A/65/381)

88. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Human Rights Committee (A/65/40), volumes I and II; the report of the Committee against Torture (A/65/44); the report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/65/94); the note by the Secretary-General transmitting the report of the chairs of the human rights treaty bodies on their twenty-second meeting (A/65/190); the note by the Secretary-General on evaluation of the use of additional meeting time by the human rights treaty bodies (A/65/317); and the note by the Secretary-General on the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/65/381).

89. *It was so decided.*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/65/87, A/65/156, A/65/162, A/65/222, A/65/223, A/65/254, A/65/255, A/65/256, A/65/260 and Corr.1, A/65/261, A/65/274, A/65/282, A/65/284, A/65/287, A/65/288, A/65/310, A/65/332 and A/65/369)

90. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the note by the Secretariat on the Report of the Working Group on the Right to Development on its eleventh session (A/65/87); the report of the Secretary-General on promotion and protection of human rights, including ways and means to promote the human rights of migrants (A/65/156); the note by the Secretary-General transmitting the interim report of the United Nations Special Rapporteur on the right to education (A/65/162); the note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of migrants (A/65/222); the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights defenders (A/65/223); the note by the Secretary-General transmitting the report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation (A/65/254); the note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/65/255); the note by the Secretariat concerning the report of the Secretary-General on the right to development (A/65/256); the note by the Secretary-General transmitting the report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/65/260 and Corr.1); the note by the Secretary-General transmitting the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/65/261); the note by the Secretary-General transmitting the interim report of the Special Rapporteur on the independence of judges and lawyers (A/65/274); the note by the Secretary-General transmitting the report of the Representative of the Secretary-General on the human

rights of internally displaced persons (A/65/282); the note by the Secretary-General transmitting the report of the Representative of the Secretary-General on the human rights of internally displaced persons (A/65/284); the note by the Secretary-General transmitting the report of the independent expert on minority issues (A/65/287); the note by the Secretary-General transmitting the report of the Special Rapporteur on trafficking in persons, especially women and children (A/65/288); the report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/65/310); the report of the Secretary-General on measures taken to address systemic human resources issues raised by the Office of the United Nations Ombudsman and Mediation Services (A/65/332); and the report of the Secretary-General on regional arrangements for the promotion and protection of human rights (A/65/369).

91. *It was so decided.*

(c) Human rights situations and reports of special rapporteurs and representatives (continued)
(A/65/331)

92. The Chair suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/65/331).

93. *It was so decided.*

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued) (A/65/36)

94. The Chair suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the United Nations High Commissioner for Human Rights (A/65/36).

95. *It was so decided.*

Agenda item 118: Revitalization of the work of the General Assembly (A/C.3/65/L.66)

96. The Chair said that he took it that the Committee wished to adopt the draft programme of work submitted by the Chair, contained in document A/C.3/65/L.66, and to transmit it to the General Assembly for approval.

97. *It was so decided.*

Completion of the work of the Third Committee

98. The Chair said that the Committee had in most cases been able to transcend divisions; a majority of resolutions had been adopted by consensus with numerous sponsors. In a range of areas, the Committee had been able to enhance synergies and common actions. Interactive dialogues had given rise to stimulating discussions. However, restraint would be required in future in order to avoid the unfortunate, astonishing and indeed unacceptable situation in which a Special Rapporteur had stated that the views expressed by a Permanent Representative did not reflect those of his Government.

99. Human rights were like a rainbow: they should reflect both universality and diversity, and no one colour should prevail. In an increasingly interdependent world, in which a growing number of countries were exposed to natural disasters and the vicissitudes of history, the Third Committee could act as a forum for action in order to restore hope.

100. After an exchange of courtesies, in which Mr. Babadoundou (Benin), Mr. Vimal (India), Ms. Kopicová (Czech Republic), Mr. Wolfe (Jamaica), Ms. Fröberg (Finland), Mr. de Séllos (Brazil), Ms. Freedman (United Kingdom), Mr. Salim (Egypt) and Ms. Halabi (Syrian Arab Republic) took part, the Chair declared that the Third Committee had completed its work for the main part of the sixty-fifth session.

The meeting rose at 7.20 p.m.